

LIFE OF

EMERY A. STORRS

HIS

WIT AND ELOQUENCE















Yonkers  
Ernest A. Howard









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LIFE

OF

EMERY A. STORRS.

HIS

WIT AND ELOQUENCE,

AS SHOWN IN A

NOTABLE LITERARY, POLITICAL AND FORENSIC CAREER.

By ISAAC E. ADAMS, Esq.

UNDER THE DIRECTION OF MRS. STORRS.

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## P R E F A C E.

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THE plan of this work is to portray the life of Emery A. Storrs, during a remarkable era in the history of this country, not so much by biographical data as by the interwoven illustrations of the brilliancy and strength of his rare intellectual endowments.

From his early manhood, almost, Mr. Storrs figured conspicuously at the bar and in American politics. "The graces of oratory" were lavishly granted him, and the proud results of natural intellectual gifts and intense habits of research and labor were early achieved. His stinging ridicule, his humor, his forensic and platform eloquence, tempered by wondrous magnetism and a classic style of thought and speech, made his utterances during the last quarter of a century always sought for by the press and repeated by readers and listeners.

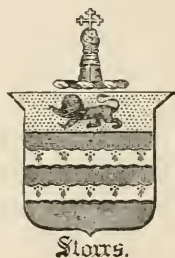
The aim, accordingly, in the preparation of the following pages has been to delight again the public, his living admirers, by stringing upon the thread of biography the jewels of his singularly

fertile brain; and, perchance, to perpetuate for an unborn public much worthy a place of honor upon the shelves of every lover of a luminous intellect.

The thanks of the editor are especially due in the prosecution and completion of this labor of admiration to Mr. William J. Guest, who for many years was the trusted stenographer of Mr. Storrs, without whose personal familiarity with many of the important events described—as, for instance, the great Babcock trial—the work could scarcely have been accomplished.

I. E. A.

Chicago, 1886.







At a Meeting of the Members of the  
Chicago Bar,  
held in the  
United States District Court,  
Chicago, September 18, 1885,

Hon. H. W. Blodgett

Judge of said Court, presiding,

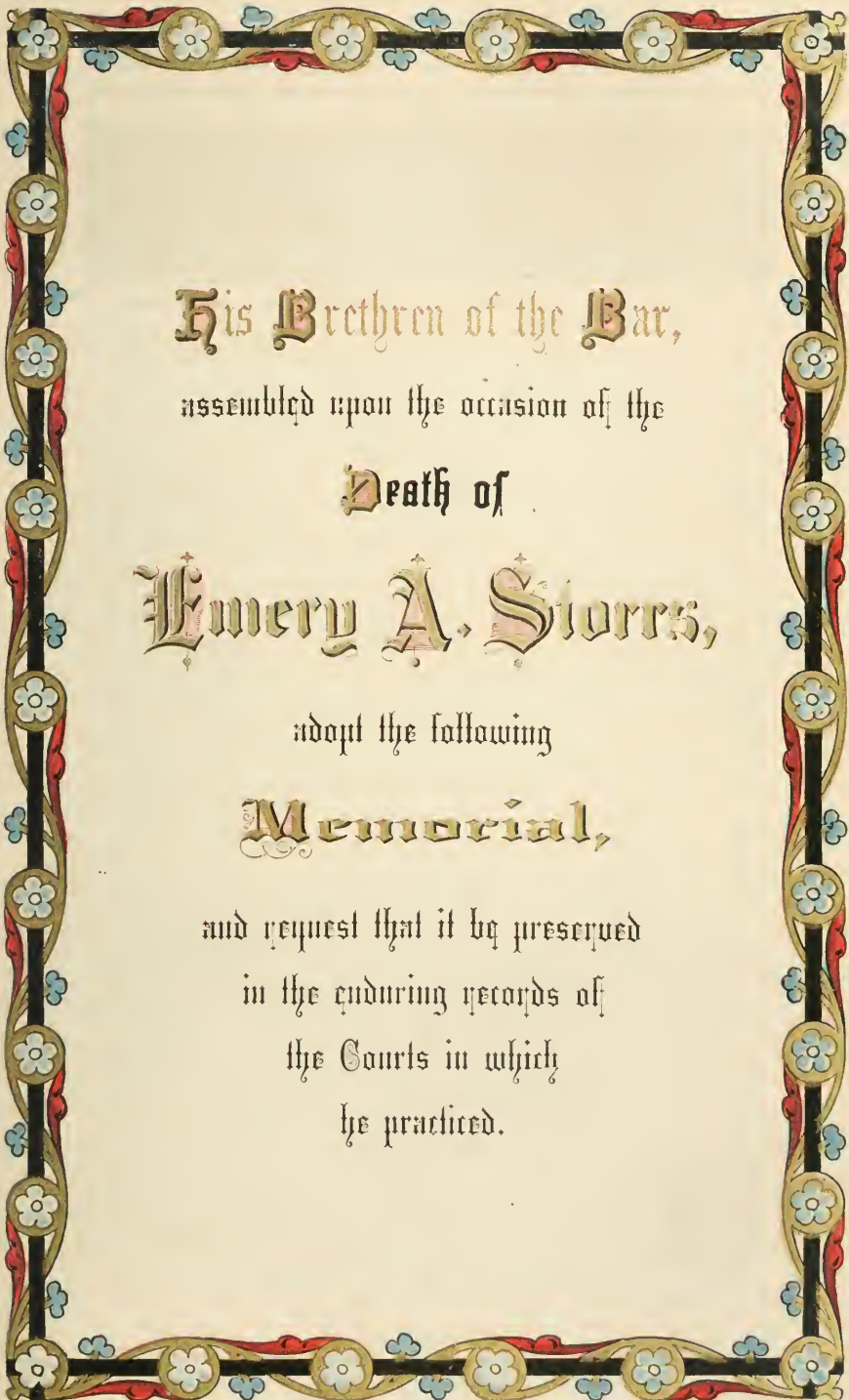
the following

Memorial

was unanimously adopted.







His Brethren of the Bar,  
assembled upon the occasion of the  
Death of  
Emery A. Storrs,  
adopt the following  
Memorial,  
and request that it be preserved  
in the enduring records of  
the Courts in which  
he practiced.

# ELDERY A STORRS

was born in Olean, Cattaraugus County, New York, August 12, 1835. He began the study of his profession at Cuba, New York, with his father, Alexander Storrs, an eminent lawyer of that place, and afterwards studied with the Hon. W. B. Champlain, twice Attorney General of the State. He completed his preparatory studies at Buffalo, in the office of Austin and Scroggs, where he was admitted to the bar in 1855. In 1857 he located in the city of New York, where he remained for two years. In 1859 he came to Chicago, where he at once entered upon the practice of his profession, which he continued without interruption in this city until his death. He died while in attendance upon the Supreme Court, at Ottawa, September 12, 1885, at the age of fifty years.

**T**HE Bar of Chicago, in common with their brethren throughout the State and Nation, realize the loss of a distinguished leader.



Recognizing his many-sided and versatile character, which gave him national prominence at the bar, upon the rostrum, and upon the platform, they desire to give expression to their estimate of his career as a lawyer, leaving to others to measure his labors in the wider field of public affairs, in which he bore a conspicuous part.

**A**S an advocate he occupied the front rank at the American bar. Upon the foundation of a native talent for advocacy, amounting to genius itself, he added the elements of a varied and extensive culture, a copious diction, a memory which treasured all that he ever heard or read, a keen and incisive wit, a severe logic, a marvelous fertility in anecdote and illustration, and a power of persuasion perhaps unsurpassed among all his contemporaries.

**I**n him were blended also many of the characteristics of the great advocates, English and American, whose names have become household words in the profession. He had the courteous presence, the elegant diction, and the wonderful mastery of pure English which were displayed by Erskine in his best days.

He possessed, too, in a marked degree, the dauntless courage so often shown by Erskine in asserting the rights of a client against a hostile court, or in defending an unpopular cause. He had that unswerving devotion to his client of which Brougham perhaps affords the finest example at the English bar, and which was so well displayed by that great advocate in his defense of Queen Caroline. He possessed the tireless capacity in preparation, the nervous, magnetic energy in execution, and the fertility of resources in trying emergencies, which were displayed in Choate, and he had the rare powers of analysis, of generalization, and of persuasion which were combined in Carpenter.

**B**UT, while familiar with the great advocates who had preceded him, he built upon no model but his own. He needed no other. And while we saw in his best efforts at the bar some, or all, of the characteristics of those great leaders, we saw also an indefinable something, which for want of a better name we still call genius; an indescribable blending of wit and wisdom, of fancy and of persuasion, of pathos



and of invective, which were all his own, distinct, individual, inimitable, at once the admiration and the despair of all who heard him, and as different from all others as night from day.

**B**UT not alone upon his matchless skill as an advocate with his professional fame endure. It is related of Erskine that when taunted with his lack of attainments as a lawyer, he replied: "No one can be a great advocate without being a good lawyer; the thing is impossible." What was true of Erskine was true of **STORRS**. He was an able lawyer as well as a brilliant advocate, or rather he was a great advocate because he was a thorough lawyer. It is the simple truth to say that no man at the bar prepared or studied his cases more thoroughly than he. In the crisis of the most hard-fought litigation, when a felicitous phrase or a brilliant burst of argument sometimes turned the tide in his favor, superficial observers may have attributed the result to the inspiration of genius, born of the necessities of the occasion. We, who knew him better, and whose fortune it may have been to share with

him in the preparation and conduct of a cause, or to be opposed to him in honorable contention, knew, better than the listening crowds who hung entranced upon his eloquence, that the victory was won, as most great victories at the bar are won, by the patient, thorough, and tireless labor of preparation.

**N**OR would any estimate of his professional career be just which omitted especial mention of his conspicuous loyalty to his client. There was something chivalrous in the devotion with which he gave his best energies, day and night, without reserve or stint, to the cause he had espoused, even though the client may have sometimes been unworthy of such devotion. He believed, with all the intensity of his ardent nature, that every man charged with the commission of crime, however heinous the offense, and however strong the probability of guilt, is entitled to fair trial and honorable defense in accordance with the law of the land, else all our boasted liberty of the citizen is but a rope of sand. Like the great Shoate, whom he resembled in so many ways, he suffered much,



and keenly, from unjust criticism in this regard by those who sometimes sneered at what they called the "unscrupulousness of his advocacy."

But no criticism ever caused him to swerve for one moment from the discharge of professional duty, or to give less than the full measure of honorable service due from lawyer to client.

**H**IS also is to be remembered of our dead comrade, that, while no one labored with more fireless zeal to win his verdict, no professional victory of his long and successful career was ever clouded with the recollection of dishonorable means in its attainment. Just to his opponents and to the court, he never sought to mislead either court or jury, but tried his case with absolute fairness upon its merits. For twenty years he occupied a foremost place in his profession, and no one has been heard to charge him with unprofessional conduct or methods.

**H**AS tried his last cause. The awful summons came to him almost in the very presence of the court in which his eloquent voice had just been heard. Summoned without a moment's warning from the bar of human to that

off Divine justice, we invoke for all his faults  
that merciful charity which soon or late we must  
grave for our own shortcomings. May it be  
our grateful duty to cherish with just and lasting  
pride the memory of his brilliant achievements in  
the profession which he so long adorned.

*A. W. Plodget*

Chairman.

Attest: *Gazooeanook.*

Secretary.







# TABLE OF CONTENTS.

---

## CHAPTER I.

### ORIGIN AND EARLY EXPERIENCES.

The Storrs Family—A Good New England Stock—His Mother a Notable Woman—Birth of Emery A. Storrs—The Storrs and Garfield Families of Worcester, New York—A Practical Idea of Education—Literary Leanings in Childhood—The Boy Editor—A Hard Student and Versatile Scholar—Specimens of his Earliest Compositions—His First Lecture—Admitted to the Bar—Courtship and Marriage, . . . 25

## CHAPTER II.

### THREE EARLY LITERARY GEMS.

Essay on "Modern Charity"—Experiment in Sermon Writing—The Parable of the Ewe Lamb—Lecture on "Idealists and Utilitarians," . . . 40

## CHAPTER III.

### WRITING FOR THE PRESS, 1854—1857.

Literary Contributions to the Buffalo Newspapers—American Magazines Thirty Years Ago—Southern Literature—An Historical Curiosity—Review of the Life of General Cass—Benton's "Thirty Years in the United States Senate"—A Prophetic Forecast of the Outcome of the Slavery Agitation, . . . . . 63

## CHAPTER IV.

### THE KANSAS TROUBLES, 1858.

Mr. Storrs' First Political Speech—An Effort Worthy of His Best Days

—The Kansas Question Discussed—President Buchanan's Message— The Drift of the Democracy—Truckling to the South—Mr. Storrs Predicts How it will End, . . . . .	86
---	----

## CHAPTER V.

## HUMILIATION AND A NEW LIFE.

His Last Years at Buffalo—A Stumble—Begins to Rise at Chicago— Early Professional Struggles—A Secret Side—Writing Editorials for the Chicago Press—"English Philanthropy"—"A Chapter on Board- ing-Houses," . . . . .	103
--	-----

## CHAPTER VI.

## PROFESSIONAL DILIGENCE.

The Hazard Case—Outline of A Model Jury Speech—His Early Briefs, a Monument of Professional Industry—Some of His Work, .	128
---	-----

## CHAPTER VII.

## OUR NATIONAL FUTURE.

Patriotic Address on the Fourth of July, 1864—Our Nation the Em- bodied Spirit of the Great Men who have Contributed to its Glory in the Past—A Nation Saved at such a Cost of Blood and Treasure will Think More Highly of its Privileges—Politics will be Elevated into Patriotic Statesmanship—Our National Literature and Habits of Thought, . . . . .	141
---	-----

## CHAPTER VIII.

## LINCOLN'S EMANCIPATION PROCLAMATION.

Speech at Sycamore, Illinois, on President Lincoln's Emancipation Pro- clamation—The President's Right to Issue it under the Constitution and the Law of Nations—Suspension of the Writ of Habeas Corpus— Arrest of Mr. Vallandigham—The Negro as a Soldier, . . . . .	156
---	-----

## CHAPTER IX.

## A CELEBRATED LIBEL CASE.

A Soldier's Widow Complains of Oppression—The Facts Published in the Chicago "Times"—The "Times" Sued for Libel—Mr. Storrs' Argument for the Defense—A Terrible Flagellation of the Plaintiff and	
---	--

His Witnesses—The Case Illustrated by Scripture Parables—Appeal to the Humanity of the Jury—The Suit Withdrawn at the Close of Mr. Storrs' Speech, . . . . .	173
--	-----

## CHAPTER X.

## JOHNSON'S RECONSTRUCTION POLICY.

Mr. Storrs at Ottawa, Illinois, 1866—Johnson's Doctrine that the Rebels Forfeited no Political Rights—An Exhaustive Reply—Johnson's Record Reviewed, . . . . .	196
--	-----

## CHAPTER XI.

## THE CAMPAIGN OF 1868.

Mr. Storrs Electrifies the People of Maine—A Triumphant Progress—His Efforts in His Own State—The Democratic Party Unchanged and Unreformed—The Reconstruction Measures—The Fourteenth Amendment—"Dead Issues"—What the Republican Party Has Achieved—Pendleton's Repudiation Plan—The Record of Horatio Seymour, . . . . .	209
---	-----

## CHAPTER XII.

## AN ESTABLISHED REPUTATION.

A Famous Insurance Case—Its History—A New Way to Look at Corporations and Individuals—A Masterly Argument—Capturing the Court, but not the Jury—Standing as an Insurance Lawyer, . . . . .	213
--	-----

## CHAPTER XIII.

## POETICAL ORATORY AND COLD REASONING.

What a Soldier's Monument Proclaims—An Inspiration—An Address of Beauty—Sanctity of Contracts—Franchise Property Not to be Taken Without Process of Law—The State of Illinois and the Illinois Central—A Discussion Before Governor Palmer, . . . . .	221
---	-----

## CHAPTER XIV.

## THE FREE TRADE QUESTION, 1870.

Mr. Storrs' Lucid Exposition of Economic Questions—The High Tariff a War Measure—A Needless Surplus in the Treasury—A General Demand for a Reduction of Taxation—The "Protection of American Industry"—The Farmers Need to be Protected Against Protection—	
---	--

"The Greatest Good of the Greatest Number," a Fundamental Principle of American Politics—Protection and Slavery—One Kind of Industry Compelled to Pay Tribute to Another—Protection Diminishes Revenue—A System of Legalized Plunder of the Consumer—Diversifying Labor by Legislation—"The Pauper Labor of Europe," . . . . 335

## CHAPTER XV.

### THE CAMPAIGN OF 1872.

The "Liberal" Republicans and the Cincinnati Convention—State Convention of Illinois—Mr. Storrs, at Springfield, Reviews the Situation—Civil Service Reform—Revenue Reform—The Tariff—The National Debt—Resumption of Specie Payments—The Philadelphia Convention—Speech at Ottawa, Illinois—The Cradle of the Republican Party—Grant's Record—Trenchant Review of the Record of Horace Greeley—The One Term Principle—Speech at Freeport, Illinois—Comparison of the "Liberal" and Republican Platforms—Greeley and Lincoln—Speech at Dixon, Illinois—The Congregation Dismiss the Choir—Greeley's Famous Plan for the Resumption of Specie Payments—The Ku-Klux and Enforcement Bills—Speech at Indianapolis—Scripture Illustrations—The Conversion of Saul—Parable of the Unjust Servant—Speeches at Reading, Pa., and Other Eastern Cities, . . . . . 247

## CHAPTER XVI.

### PROFESSIONAL PROSPERITY.

His Professional Work from the Fire of 1871 to 1875—Prominence in Great Cases—"Hell as a Military Necessity"—The Congressional Election of 1874—Consolidation of the Illinois Supreme Court, . . . 293

## CHAPTER XVII.

### A DECORATION DAY ADDRESS.

The Honored Union Dead—What They Fought and Died for—Tribute to Charles Sumner, . . . . . 304

## CHAPTER XVIII.

### LECTURES ON THE ENGLISH CONSTITUTION.

Two Lectures to the Students of the Chicago Law College—The Four Great Documents which form the Basis of the Modern English Constitution—"Bailiffs and Constables that Know the Law and Mean to Observe it"—How Magna Charta would work in Chicago—History of the Crown and Parliament, . . . . . 310



## CHAPTER XIX.

## MUNICIPAL REFORM.

Organization of the "Citizens' Association of Chicago"—Mr. Storrs Drafts its Constitution—Its Objects—Suggestion of Subjects for Legislation—Advocates Reorganization of the City Government under the General Law—Changing Voting Places from Saloons to Other Quarters—The Proposition to Divide the Common Council into Two Houses—City Election on the Charter Question—The Citizens' Association and Mr. Storrs Part Company—Mr. Storrs in Contempt of Court for a Legal Opinion—His Argument in Defense of Himself and His Associates—The "Fanning Mill Orator," . . . . . 315

## CHAPTER XX.

## PRACTICAL TEMPERANCE LEGISLATION.

The Drinking Habit Not Uncommon Among the Early Settlers of Chicago—A Change after the Fire of 1871—Mr. Storrs Becomes an Abstainer and an Apostle—What the "Times" Thought of His Conversion—Two Temperance Speeches—Correspondence on Prohibition—One of the Founders of the Citizens' League for the Suppression of the sale of Liquor to Minors—Apostrophe to Water, . . . . . 333

## CHAPTER XXI.

## THE ST. LOUIS WHISKY RING.

History of the St. Louis Whisky Ring—Its Method of Operations—The Prosecutions Conducted for Political Ends—Immunity Given to the Worst Offenders—An Attempt to Cast Discredit upon President Grant by Indicting his Private Secretary—Prosecutions run in the Interest of Secretary Bristow's Presidential Aspirations—General Babcock's Career—The Mephistophelian Arts of Joyce and MacDonald in Corresponding with Him—Popular Prejudice Against Babcock—Attitude of President Grant—His Letter to Mrs. Babcock, . . . . . 356

## CHAPTER XXII.

## THE TRIAL OF GENERAL BABCOCK.

## I.

## THE PROSECUTION.

Mr. Storrs Retained as Leading Counsel for the Defense of General Babcock—Opening Speech of District Attorney Dyer—Con. Mcgrue's Evidence Ruled Out—Mr. Storrs' Cross-Examination of the Govern-

ment Witnesses—Where the Ring Got their Information of the Coming of Revenue Agents—A Conscientious Gauger—Testimony of Abijah M. Everest—Joyce's Hocus Pocus with the Two \$500 Bills—Testimony of the Commissioner and Deputy Commissioner of Internal Revenue—Argument on Admission of Telegrams—"Chops and Tomato Sauce"—How Colonel Broadhead Accentuated a Telegram—Joyce's Declarations Ruled Out—Testimony of Revenue Agent Brooks—The Government Case Closed, . . . . . 369

## II.

## THE DEFENSE.

Opening Speech of Ex-Attorney-General Williams—What Joyce's "Mum" Dispatch Meant—Mr. Williams' Personal Experience of the Cares of Office—Splendid Array of Witnesses to General Babcock's Character—Testimony of Supervisor Tutton—Why the Order Transferring the Supervisors was Revoked—Disingenuous Course of the Prosecution.—The District Attorney Walks into a Trap of his own Construction—Secretary Bristow Directly Responsible for the Revocation of the Order—Joyce's Correspondence—Revenue Agent Hoag the Source of the Ring's Information—Deposition of the President—Judge Porter's Motion for a Direction to Acquit Overruled—Colonel Broadhead's Argument for the Prosecution—The "Sylph" Telegram—Closing Argument of Mr. Storrs for the Defense—Judge Porter Follows—General Dyer's Reply—Judge Dillon's Charge to the Jury, . . . . . 407

## III.

## THE VERDICT.

The Jury Find the Defendant Not Guilty—An Ovation to General Babcock and Mr. Storrs—The General Serenaded—Speech of Mr. Storrs—Senator Howe's Opinion of the Case, . . . . . 453

## CHAPTER XXIII.

## THE CHICAGO WHISKY RING.

History of the Chicago Seizures—The "First Batch" Inform on the "Second Batch," and are granted Absolute Immunity—Jacob Rehm, the Organizer of the Chicago Ring, Becomes the Leading Informer—Indictment of the District Attorney, and Other Government Officials, on His Information—Public Astonishment—Discreditable Course of the Government Attorneys—Trial of Rush and Pahlman—Mr. Storrs' Argument for the Defense—Crushing Denunciation of the Government Witnesses—Government Counsel also Come in for a Flaying—Al-

tercation Between Mr. Storrs and the Court—Chicago "Sewer Politicians"—Trial of Supervisor Munn—The Jury Refuse to Believe Rehm, and Munn is Acquitted—Dismissal of the other Indictments—Letter of Mr. Storrs to President Grant—Comments of the Local Press—Efforts to Implicate Senator Logan, Congressman Farwell, and the Chicago Postmaster—Mr. Storrs Appointed Special District Attorney—Brings Suit Against Rehm for Civil Penalties—The Suit Dismissed—Judge Drummond's Opinion, . . . . .	457
--	-----

## CHAPTER XXIV.

## THE CAMPAIGN OF 1876.

Ratification Meeting in Chicago—Colorless Candidates—Speech at Aurora, Illinois—The Records of the Republican and Democratic Parties Compared—The St Louis Platform—Financial Administration of the Republican Party—Reduction of Taxation and Expenses—Tilden, The Friend of Tweed—Speech at Detroit—Review of the Democratic Platform, and Tilden's Record—Speech at Freeport, Illinois—Record of the Democracy—Enforcing the Constitutional Amendments—A New Application of the Parable of the Prodigal Son—Where Tilden was During the War, . . . . .	489
---	-----

## CHAPTER XXV.

## "CONSTRUCTIVE CONTEMPT" AND "TRIAL BY JURY."

The case of Wilbur F. Storey for Criticising a Grand Jury—Mr. Storrs' Views upon the Subject—History of the Law of Constructive Contempt—Illustration of Power of Lucid yet Comprehensive Interpretation of a Law Question—Influencing a Judge—A Lecture on the Origin, History, and Merits of the Jury System . . . . .	532
--	-----

## CHAPTER XXVI.

## SOME GREAT CRIMINAL TRIALS.

Trial of Rudolphus K. Turner for Forgery—Contents of a Forger's Trunk—Trial of Five County Commissioners for Fraud—How a Young Clerk kept Check on his Employer—An Arson Case gotten up by an Insurance Company turns out to be a Malicious Prosecution, with Blackmailing Features . . . . .	540
---	-----

## CHAPTER XXVII.

## TRIAL OF ALEXANDER SULLIVAN.

The Case as Viewed by Mr. Storrs—The True Presentation—The Evidence—Forced Warfare of Religions—The Trial Scenes—The Acquittal of the Accused—Subsequent History . . . . . 548

## CHAPTER XXVIII.

## THE GREAT ANN ARBOR CASE.

History of the Douglas-Rose Trouble—A Plot Against an Old Soldier—Divides First a School, then a State—The Trial in the Courts—Mr. Storrs' Great Argument—A Scientific Fraud—The Result . . . . . 566

## CHAPTER XXIX.

## THE LAW OF LIBEL.

The Great Fire of Chicago—Manuscript of a Valuable Treatise Destroyed—Lecture Based on the Recollections of a Lost Book—History of the Triumph of Juries over Judges—Some Famous Libel Instances—Multum in parvo . . . . . 581

## CHAPTER XXX.

## RESUMPTION OF SPECIE PAYMENTS.

Mr. Storrs at Sycamore, Illinois, 1878—Exploded Theories of Finance—Does Inflation Inflate—History of the Paper Currency Inflation in the Past—The Panic of 1873 not Brought About by a Lack of Currency—Proposition to "Restore Confidence" by an Act of Congress—Fiat Money a Project of Repudiation—The Philosopher's Stone a Rational Scheme Compared with it—Mr. Gladstone's Tribute to the Achievements of America in Paying her Debt . . . . . 588

## CHAPTER XXXI.

## VARIOUS PUBLIC UTTERANCES.

Letter to Senator M'Pherson on the Silver Bill—American Commerce, 1878—The Growth of Chicago—The Purity of the Bench and Bar

—The Blodgett Investigation—Lawyers as Legislators—Grant for a Third Term—Mr. Storrs' Opinion of President Hayes—A Bric-a-brac Cabinet . . . . .	604
--	-----

## CHAPTER XXXII.

## CHICAGO CITY MISGOVERNMENT.

The Chicago Municipal Election of 1879—Mr Storrs, at a Mass-Meeting of Republicans in Farwell Hall, Opposes Handing over the City Government to the Democrats—Comparison of Republican and Democratic Municipal Government—The Election Laws which the Brigadiers in Congress Sought to Repeal—Carter Harrison Elected	614
--	-----

## CHAPTER XXXIII.

## NATIONAL POLITICS IN 1879.

A Political Tour in New York State—At Syracuse—Conservative and Radical Republicanism—Democratic Hypocrisy—Attempt to Repeal the Election Laws—The Murder of Chisholm and Dixon—Southern Idea of "Conciliation"—Honest Government, National Prosperity, and no Sectionalism—Sudden Death of Hon. Zachariah Chandler .	622
---	-----

## CHAPTER XXXIV.

## EMOTIONAL INSANITY IN MURDER CASES.

Trial of Peter Stevens at Chicago for the Murder of his Wife—A Sad Story of Conjugal Misery—The Temptations of a Great City—The Plea of Emotional Insanity Set Up for the Defence—Mr. Storrs Makes a Powerful Argument for the Defendant—The Verdict . .	633
--	-----

## CHAPTER XXXV.

## AN ADDRESS TO DOCTORS.

A Serio-comic Address to a Graduating Class—Early Recollections of Home-made Remedies—What He Knew About Doctors—Chicago the Greatest Medical Centre and Distributer of Doctors and Diseases—The Field of Medical Jurisprudence—Medical Experts as Others See Them—Insanity as a Defence in Criminal Cases . . . . .	638
--	-----

## CHAPTER XXXVI.

## RECEPTION OF GENERAL GRANT IN CHICAGO.

General Grant's Return from his Tour Around the World—Reception in Chicago—The Union Veteran Club—Welcomed by Mr. Storrs—National Rights Substituted for State Rights—Political Equality of All Citizens must be Secured, by Force if Necessary—Justice Better than Peace—The Obligations of the Government must be Fulfilled—The Prodigal Son in a New Dress—Banquet of the Army of Tennessee—Mr. Storrs Speaks for the Patriotic People Who Fed and Clothed Our Armies—Calumet Club Reception . . . . . 645

## CHAPTER XXXVII.

## A TRIP TO DEADWOOD.

Proposition to Nominate Mr. Storrs for Congress—Comment of the Press—Letter to Hon. William Aldrich—A Professional Trip to the Black Hills—Discomforts of the Journey—His Impressions of Deadwood—Trial of County Officials for Embezzlement—Mining Interests of Dakota—Invitations to Take Part in the Campaign . . . . . 654

## CHAPTER XXXVIII.

## DISRUPTION OF THE REPUBLICAN PARTY IN ILLINOIS.

Preparations for the Campaign of 1880—Organization of the Friends of General Grant—Letter of Mr. Storrs on "Our Southern Fellow Citizens"—Correspondence with Hon. E. B. Washburne—Correspondence on the Political Situation—Mr. Storrs' Tribute to the Old Commander—"The Independent Scratcher" and his Record—Defection of Mr. Washburne—Two Rival County Conventions Held in Chicago—Mr. Farwell's Reliance on Lungs and Vertebrae—The Illinois State Convention—A Faction Fight—Argument of Mr. Storrs on Behalf of the Grant Delegates—Mr. Washburne Disclaims Disloyalty to General Grant—Struggle in the National Convention . . . 660

## CHAPTER XXXIX.

## THE CAMPAIGN OF 1880.

Preparations for the Campaign—Organization of the Friends of Gen-

eral Grant—Mr. Storrs Addresses the Irish Republicans of Chicago—Why Irishmen Should Vote the Republican Ticket—Why They Should Abandon the Democracy—The Cook County Convention—The State Convention at Springfield—Mass Meeting in Central Music Hall—The National Convention—Opposition Delegates—Mr. Storrs' Argument for the Enforcement of the Unit Rule—His Great Speech in the Convention—Defection of Mr. Washburne—The "Old Guard"—Mr. Storrs at Burlington, Iowa—Speech in Philadelphia—The Democratic Platform Reviewed—What its Success Would Mean—Its Financial Heresies—Mr. Storrs Addresses the Colored Republicans of Chicago—At Oakland, California—At Denver, Colorado—Mr. Storrs Stumps the State of Ohio—Great Speech at Cleveland—At the Cooper Institute, New York—Articles in the North American Review. . . . .	683
--	-----

## CHAPTER XL.

## THREE CELEBRATED MURDER TRIALS.

The Cochrane Case—The Wisconsin Law as to the Plea of Insanity—The Ransom Case—The Illinois Law of Justifiable Homicide, and the Doctrine of Self-defence—The Dunn Case—Patent Instructions . . . . .	704
---	-----

## CHAPTER XLI.

## HISTORICAL CHICAGO.

Lecture on Behalf of the Historical Society—An Effort of Lasting Interest—The Heart of a Great Empire—Chicago's Famous Historic Wigwam—The Greatest Loss Suffered in the Great Fire of 1871—The Past, the Present, and Mr. Storrs' Ideas of the Garden City—Facts and Fancies . . . . .	725
---	-----

## CHAPTER XLII.

## THE CAMPAIGN OF 1884.

Scene at the Closing of the Chicago Republican Convention—An Oratorical Achievement—An Eloquent Speech Inspired by a Tumult	
---	--



—Work Elsewhere During a Campaign of Five Months—Bristling Wit at Boston, in Tremont Temple—Defence of the Riffraff of the West—Our Nation's Shame—The Tariff Question Again—Records of two Rival Political Organizations—Defeat of his Party, but Faith in the Future . . . . . 739

## CHAPTER XLIII.

### LEGALITY OF "TRIAL BY INFORMATION."

Mr. Storrs' Last Case—The Election Fraud in the 18th Ward of Chicago—Joseph C. Mackin and Others Tried by Information, Instead of on Indictment—Mr. Storrs Moves for a Writ of Error—The Supreme Court of the United States After his Death Sustains his Points—A Posthumous Victory . . . . . 761

## CHAPTER XLIV.

### THREE MONTHS IN EUROPE.

Rosy Descriptions of Experiences Abroad—Model Letters from a Traveler—Impressions of Liverpool, London, Edinburgh, and other Points of Interest—Features of Foreign Character not Usually Noticed—A Bit of Business with Pleasure . . . . . 781

## CHAPTER XLV.

### THE CONCLUSION.

Some Characteristics of Mr. Storrs' Wit—Illustrations of Repartee—His Style of Oratory—Contrasted With Burke—A Dramatic Incident—Last Scenes and Death at Ottawa—The End of All Mortal . 794

## LIST OF ILLUSTRATIONS.

---

EMERY A. STORRS (Steel) . . . . .	<i>Frontispiece.</i>
FAC-SIMILE STORRS MEMORIAL OF THE CHICAGO BAR (Illuminated)	<small>PAGE</small> 3
EARLY HOME OF EMERY A. STORRS . . . . .	35
FAC-SIMILE LETTER OF JAMES A. GARFIELD . . . . .	689
FAC-SIMILE LETTER OF CHESTER A. ARTHUR . . . . .	739
FAC-SIMILE LETTER OF JAMES G. BLAINE . . . . .	753
FAC-SIMILE LETTER OF ULYSSES S. GRANT . . . . .	780
FAC-SIMILE MEMORIAL OF THE CITIZENS' LEAGUE OF CHICAGO	801



## CHAPTER I.

### ORIGIN AND EARLY EXPERIENCES.

THE STORRS FAMILY—A GOOD NEW ENGLAND STOCK—HIS MOTHER A NOTABLE WOMAN—BIRTH OF EMERY A. STORRS—THE STORRS AND GARFIELD FAMILIES OF WORCESTER, N. Y.—A PRACTICAL FATHER'S IDEA OF EDUCATION—LITERARY LEANINGS IN CHILDHOOD—THE BOY EDITOR—A HARD STUDENT AND VERSATILE SCHOLAR—SPECIMENS OF HIS EARLIEST COMPOSITIONS—HIS FIRST LECTURE—ADMITTED TO THE BAR—COURTSHIP AND MARRIAGE.

THE life of Emery A. Storrs may be epitomized as that of a singularly gifted public, private citizen. Humble in his birth, he was yet of an excellent origin; physically ever far from robust, he was mentally something giant-like; untutored by college training, his style, in thought and speech, was classical; untitled by school, by people, or by rulers—never an occupant of the most undignified office—he was an aristocrat on the rostra, a prince in politics, and a king in debate.

The little village of Hinsdale nestles to-day, as it did half a century ago, close by the side of a gentle stream which benignly flows through Cattaraugus County, New York. Mountains, not frowning heights, but the hazy undulations characteristic of the Northern Alleghenies, encircle protectingly the tiny community as though to ward off from both orchards and people the winds and troubles of the outside world. Here, on the twelfth day of August, 1833, was born Emery Alexander Storrs; in the same house, in the same room, on the twelfth day of September, 1885, to the father prostrated by illness, was imparted the news of the sudden death of his distinguished son. Emery Alexander Storrs

came of a sterling stock. He was a direct lineal descendant of Samuel Storrs, who came from Sutton, Nottinghamshire, England, as early as 1683, from whom a gifted race of orators has sprung. Samuel Storrs was one of the twenty-two to whom was granted the charter of organization of the town of Mansfield, Connecticut, in May of 1703, and, brave in several Indian battles and a leader in council deliberations, this first of his family in America was conspicuous in name among the archives of the New England place; and, here and there, stamped with punctilious pride on the now yellowed records—in some instances, perhaps, most unnecessarily and almost inconsistently stamped—appears the old England crest of the Storrs family—an ermined banner bearing the figure of a lion with uplifted right fore-leg, while above, on the faces of office, rests a mailed arm, the clenched hand of which holds a mitred cross. Prominently, thereafter, the name figures in the Continental annals of both war and peace, and almost invariably its wearers were men of more than ordinary ability and influence. By the marriage of the Rev. John Storrs to the granddaughter of the Rev. Eleazer Williams\* was born early in September, 1763, a son, christened Richard Salter Storrs, who graduated at Yale College twenty years later and, settling as pastor of the Long Meadow, (Mass.) church, made a brilliant reputation as a scholar and speaker, and thus inaugurated a notable ministerial line perpetuated to-day in the well-known Rev. Dr. Richard Salter Storrs, of Brooklyn, N. Y.

It would be idle, in such a work as this, to attempt much concerning an ancestry many in number and prolific in excellent deeds, but it may be well to paragraph briefly the name of Experience Storrs, if only to illustrate what has so often transpired in the history of families, that sons equally distinguished, may in a certain sense occupy reversed positions. In the battle of Bunker Hill, Colonel Experience Storrs commanded a company of Connecticut men who fought heroically and who contained among their number Elias Birchard, an ancestor of Ex-President R. B. Hayes. It is related how Colonel Storrs was the chief spirit in a town

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\*Elder Williams died September 1, 1742, leaving four daughters, the eldest of whom, Eunice, married the Hon. Shubael Conant, and Eunice Conant, their daughter, married Dr. Samuel Howe, and, on Dr. Howe's demise, became the wife of the Rev. John Storrs, a grandson of Samuel.

meeting held at Mansfield, September 13, 1774, to subscribe for his embargoed countrymen in Boston; how, as one of two delegates, he proceeded later to Hartford and participated in the convention to devise organized continental methods of aid for the same sufferers; how, in a great mass meeting of inhabitants, held in the town hall on the tenth of October, 1774, there was passed a remarkable declaration of freedom, voicing distinctly the coming Declaration of Independence, presented, in stirring tones, by Colonel Experience Storrs; how, in 1775, after the thrilling news of the battle of Lexington, though it was night when the messenger reached the usually quiet town, this same Colonel Storrs collected a band of ninety-three volunteers and marched off for Boston; and how, all through the terrible years of war which ensued, this commander and his Mansfield followers supported Washington.

Nathaniel Storrs married Harriet Denny, descendant of the Denny's of the Pilgrim stock, and removed from Mansfield to Worcester, Otsego County, New York. Their son, Thomas D. Storrs, was the father of the Honorable Alexander Storrs, the father of Emery A. Storrs. Thomas D. Storrs married Catharine Campbell, a daughter of one Alexander Campbell who was a full-blooded descendant of the celebrated Scotch family of that name, and in this way came that "tincture of Scotch sweet strength" of which the late Mr. Storrs made laughing boast. Alexander Storrs, the father of Emery A. Storrs, was nineteen years of age, when, in 1827, his parents removed from Worcester, the place of his birth, to Cattaraugus County, New York, where he has continuously resided since that date, his present home, erected in 1831 precisely as it now stands, being one of the first houses in that quaint little village of Hinsdale. To this spot, so unpretentious in itself, but so picturesquely beautiful in its setting in 1831, Alexander Storrs brought as his wife Phoebe Platt, a descendant of the worthy family of that name of Plattsburg, New York.

This mother of the late Mr. Storrs was a somewhat unusual woman, and there were many traits of the mother manifested in the brilliant son. She was small in stature, not weighing one hundred pounds; energetic in disposition; fond of books; well posted in the current events of the day; and possessed a voice rich, sweet, and full as cathedral music. "It is the first good thing of earth, I recollect," said the son, "it has reverberated in the air of thought many a time

in the nights of my absence from her, and if ever I hear angels' voices I know whose shall be the leading contralto." The father was a tall, well-proportioned man, keen-eyed, strong-marked in his features; of good rank as a country lawyer, and, withal, somewhat prominent as a "squire," or justice-of-the-peace, for more than forty years; looked up to as a safe counselor by all the inhabitants of his county; in 1855 the representative of his district in the New York State Legislature. He yet lives,\*sorrowing his wife who passed away in March, 1885, only a few months before the loved son. By their marriage there were three other children besides Emery: Rosetta, now Mrs. John A. Grow, of New York City, and Caroline, wife of John Adams, of Ischua, New York State, and a son, Marshall, who died in 1855, when about nine years of age.

The Storrs family of Worcester, Otsego County, New York, were represented, at the time of General Garfield's campaign for the Presidency, by a cousin of Mr. Alexander Storrs, who bore the ancestral name of Nathaniel. General Garfield's father's family had been residents of Worcester, and he had after much diligent research collected a number of traditions relating to his own progenitors at that period. In the course of his inquiries, he had ascertained that a great-grandfather of Emery A. Storrs had attended his own grandfather during his last illness; and when, during the campaign of 1880, he was brought into immediate and frequent contact with Mr. Storrs, their acquaintance ripened into intimacy. General Garfield communicated to Mr. Storrs this interesting fact of the bond between the families in the following pleasant letter:

"MENTOR, OHIO, July 20, 1880.

"HON. EMERY A. STORRS,  
"99 Washington Street,  
"Chicago, Ill.

"MY DEAR SIR:—Accept my thanks for your kind letter of July 19th. I have read with great pleasure your very able and effective speech at Burlington, Iowa. It is incisively aggressive, as all our speeches ought to be. The attempt to put our party on the defensive on my behalf cannot succeed. I am particularly obliged to you for what you say in reference to the De Golyer matter.

"From what your father writes, it is clear that it was your grandfather who so tenderly and courageously took care of my grandfather during his sickness, and buried him after his death. I am glad to know this fact. It warms my heart with gratitude to know that I have found a living descen-

\* Since the penning of these lines, Aug. 25th, 1886, Alexander Storrs, the father, died, aged 78 years.



dant of the man whose name has so long been a household word in my family.

"Whenever you come in reach of me, I hope you will call.

"Very truly yours,

"J. A. GARFIELD."

Collateral testimony to the same fact was borne to Mr. Storrs by an old and respected citizen of Chicago, Mr. Robert F. Queal, for many years a prominent member of the Methodist denomination, a trustee and valued officer of the Northwestern University at Evanston, and for some years a director of the Chicago Public Library, of whose Managing Board he was one of the first members. Writing under date February 7, 1881, from Millview, near Pensacola, Florida, where he was attending to business interests, this gentleman said :

"DEAR SIR:—You will pardon the intrusion of one having no personal acquaintance. I am moved to write this note by seeing your name so generally and favorably mentioned by the Chicago press for a place in General Garfield's Cabinet.

"I am a native of Worcester, Otsego County, N. Y., and a year or two ago, prompted by a letter written by General Garfield and published in the local newspaper of Worcester, interested myself in confirming the traditions General Garfield had concerning his father's family as connected with Worcester. This I was able to do, and to add new facts of interest to his previous knowledge. This service on my part led to a very pleasant correspondence with General Garfield while he was still a member of Congress, to a call upon him at his home in Washington, and to a brief call upon him at Mentor after his nomination. Even before his election to the Senate, I had written him that his traditions of the connection of a Storrs family with the sickness and death of his grandfather left no doubt on my mind that it was the family with which you were immediately connected. Pursuing my inquiries, I called last summer on Nathaniel Storrs, your father's cousin, who occupies the old Storrs homestead on 'Ingalls hill' or 'West hill' in Worcester, and found my conjectures fully confirmed. It was the father of Nathaniel—Rufus Storrs—and the father of Rufus, your great-grandfather, that attended the grandfather of General Garfield, Thomas Garfield, in his last illness, nursed and cared for him (his wife and children being removed for safety, he having small-pox), and who, with one other neighbor, when he, a stalwart man of thirty, was dead, prepared the body and took it upon a stone-boat, at three o'clock at night, with a yoke of cattle to burial.

"I stood last summer on the site of the log-house, now an open field, on a stony hillside, where these events transpired eighty years ago. I took, in July last, to the General and his mother, some souvenirs of the place,—among other

things a fragment of the rude fire-place and hearth-stone where blazed the fires that warmed the room where his father was born, and where he was left fatherless at two years of age.

"Seeing your name so prominently and influentially mentioned in connection with General Garfield's cabinet, I was impressed that it would certainly be a curious circumstance of especial interest should these families, so connected in offices of humanity eighty years ago, become through their descendants officially connected in such high place in the administration of the government.\* \* \* I said to General Garfield last summer that I thought the birthplace of his father was not a mile from where your father was born."

In this country, the early life and experience of any man who seems to have achieved success or eminence in any occupation or pursuit, on investigation prove strikingly similar to those of many others. It is true that honor and fame from no condition rise. Given a reasonable inheritance of sterling blood, ability if only of an average degree to begin with, a definite longing, and will enough to be persistent, and the result is success or eminence or—an early death. It often proves a magnificent lever to be born poor, or in circumstances which tend to press the faculties to best exertions, but neither is necessary. Poverty may, as a rule, be more stimulating towards ambition, for it is natural to flee from the wolf; but blood and brains are not necessarily fettered by gold, no more for the growing than for the matured man. Possession of wealth ought to be possession of that which polishes and broadens. The boy, Emery A. Storrs, was about the average American boy of the first half of this century. He was not born a genius. Brilliant philippics, a wonderful flow of oratory, did not stream from his baby lips. The keen blade of his famous, searching wit was only edged after the grind of long years of intensest application. The splendid powers of the advocate and jurist were developed in toiling study when the mass of his fellows were wrapped in sleep. He possessed genius, surely, and much of it, but such genius is possible for all, and the shadows of his genius, from encircling his eyes during many years, deepened into his tomb.

The boy, Emery, therefore was well-blooded. He attained, too, in time, the genius of hard labor. Moreover, he had the stimulation of the knowledge that to live, he must earn. But it would have been better in his case if he could have been born with Fortunatus' inexhaustible purse, for inappreciation of money

was his chief evil all through life; or better yet would it have been had his breath been drawn in the air of that favored Greece he so loved to refer to, in that period of oratory when to utter words that measured music to listening ears was to have wealth and rank poured upon the utterer.

He had certain ability, also, or, rather, decided proclivities which were judiciously fostered into marked characteristics: a taste for letters and a fondness for intellectual approbation. At the age of four he had spelled through the easy words and stories of the primers, and was endeavoring to read the simpler newspaper articles. His father had an idea, which was put in practice, that the parents of American children may exercise a strong influence for the good of the rising generation by surrounding and interesting the young, at their homes, aside from public school education, with various fresh primers and illustrated books for beginners, by discussion at the fireside over the school exercises of the day, and by exciting their attention in the current events of the nation and of the peoples across the sea. One result of such gradual molding of the naturally earnest nature of a child like Emery was that by the time he had attained the age of twelve years, he was both a versatile scholar and a splendid historian. Doubtless with the major portion of the American young such methods of inculcating versatility and historical knowledge would work no other end than good, but, with the delicate frame and enlarged nervous organization of this subject there were unpromising incidents—as, for instance, when one day the six-year-old lad was found seated in an old rocking chair, his slender fingers clasping a heavy book, the large head drooped on the narrow breast, the whole body in a deep faint.

This taste for letters is clearly shown in literary attempts when a mere child. In a work to be devoted chiefly to illustrating the excellencies of his best and maturest years, especially as a wit and orator, it may be construed by some readers to be a wasteful digression to more than refer to a strong aptitude for writing possessed in years which in most lives merge into infancy; but there may be others and a greater number, who will not only pardon but be pleased at the introduction in these pages of one or two, from many, of the incipient indications of

that strong and felicitous intellectual power which in later years so often stirred and delighted.

Stored away in a little, dark garret-chamber of his old home was what might be called the treasure-box of the mother. Until death had hushed to earthly ears that voice which was always music—at least to the son who was destined so soon to follow the vanishing melody—no one of the family had known just what that box contained. It was filled with literary efforts of first the child, and then of the eloquent man. School-boy compositions, juvenile attempts at poetry; then, older essays, newspaper clippings, political notes, and printed legal briefs. It was the old repeated story, never altogether apart from pathos, the mother's hidden worship for her child.

Among the treasures, thus preserved, were some school newspapers, several pages of large letter paper, carefully lined off so as to resemble a regularly printed sheet. Who has not seen and had something to do with like proud types of literature! They were yellow and torn, but "E. A. Storrs, Editor," stood forth boldly as did all the characters of the clear chirography. One, "The Casket," dates back to 1842, when Emery was only nine years of age, but there was a smack of the rich humor, always ready on the tongue of the speaker of a later period, in the big-lined prospectus which announced;—"The Casket is published semi-monthly at this place. Devoted to Literature, Mechanics, and the Arts; also Love, Suicide and Murder." There is, also, a familiar ring in the "Motto: Justice and equal rights to all men in whatsoever rank or station they may be placed." There are really remarkably mature sentiments in certain "editorials," with the adjunct "E. A. S." in this "Casket," as, for instance, as an illustration of his political taste at so early an age, is one headed (and the spelling, capitalization, etc., are strictly followed), "Thoughts on hearing it said that America would soon lose her independence:"

"What, America lose her independence! No, never as long as she continues to carry out those principles of Justice and of Right which now actuate the hearts of American freemen. As long as we continue to support the civil and religious institutions of our country, as long as we support the principles of our forefathers, who will speak to us from the tombs and say America can be governed and yet be free—no doubt can exist. The principles of our government are such that we can exercise our

principles. We can think and write what we please. The press is free, and it is the press that will lay the superstructure of our national, civil and religious character. But as quick as we love power and forget Right; as quick as we let intriguing politicians get the hold of our nation; as quick as we forsake the civil and religious character of our country; as quick as the fire of patriotism ceases to burn within our breast; as quick as we forget our fathers who have fought and bled for us; as quickly as we let the moral character get corrupt and the liberty of the press be restricted, Then will America begin to totter, then will the very pillars of our country totter from their very foundations. And happy proud America will be no more. Then, fellow citizens, arouse to duty—go forward in the battle field of your country as your country—go to the field well armed in the cause of your native land. Remember that all Nations are watching us with a steady and unerring eye, watching for the favorable moment when they can approach our native land, the land that has reared us from our infancy. The land that gave our fathers birth. The land that has rocked us in the cradle of liberty and Independence. The land for which our forefathers fought and had lived to see arrive to a state of freedom and Independence. They of foreign nations will approach our land with a torch in one hand and as a firebrand will throw it at our land and strive to set fire to the institutions of our country. Let us arouse then and extinguish the flame which they might kindle."

The orator's fire was beginning to flame in the nine-year breast.

Among the miscellaneous collection, written at the same early age, was found a short essay on the subject "Nature," which is even a better illustration than the one already given of the elevated literary tendency of the boy. After dwelling upon the thought that the subject "is calculated to awaken sensibilities of taste and picture to us scenes which will create in our bosoms the most pleasing and interesting reflections," as shown by the fact, that "the green lawn, the beautiful grove, the vast ocean, and the starry heavens are all admired by every attentive scholar," he writes:

"The hand of fashion can neither change their form nor appearance. Neither can accident touch them with the finger of change. Who can view the beautiful works of nature but with delight? From meditation upon the works of nature, the thoughts become exalted, the mind is raised above the works of art and placed upon the author of these wonderful productions. 'It must have been the intention of the All Wise Creator to make extensive impressions upon us in placing before our eyes such beautiful objects as constantly meet them. 'When we gaze over the Universe, we are led to inquire are not these the works of God?' 'Do not they show forth his works?'

"We are ready to say with surprise, 'how mighty is that Being who created



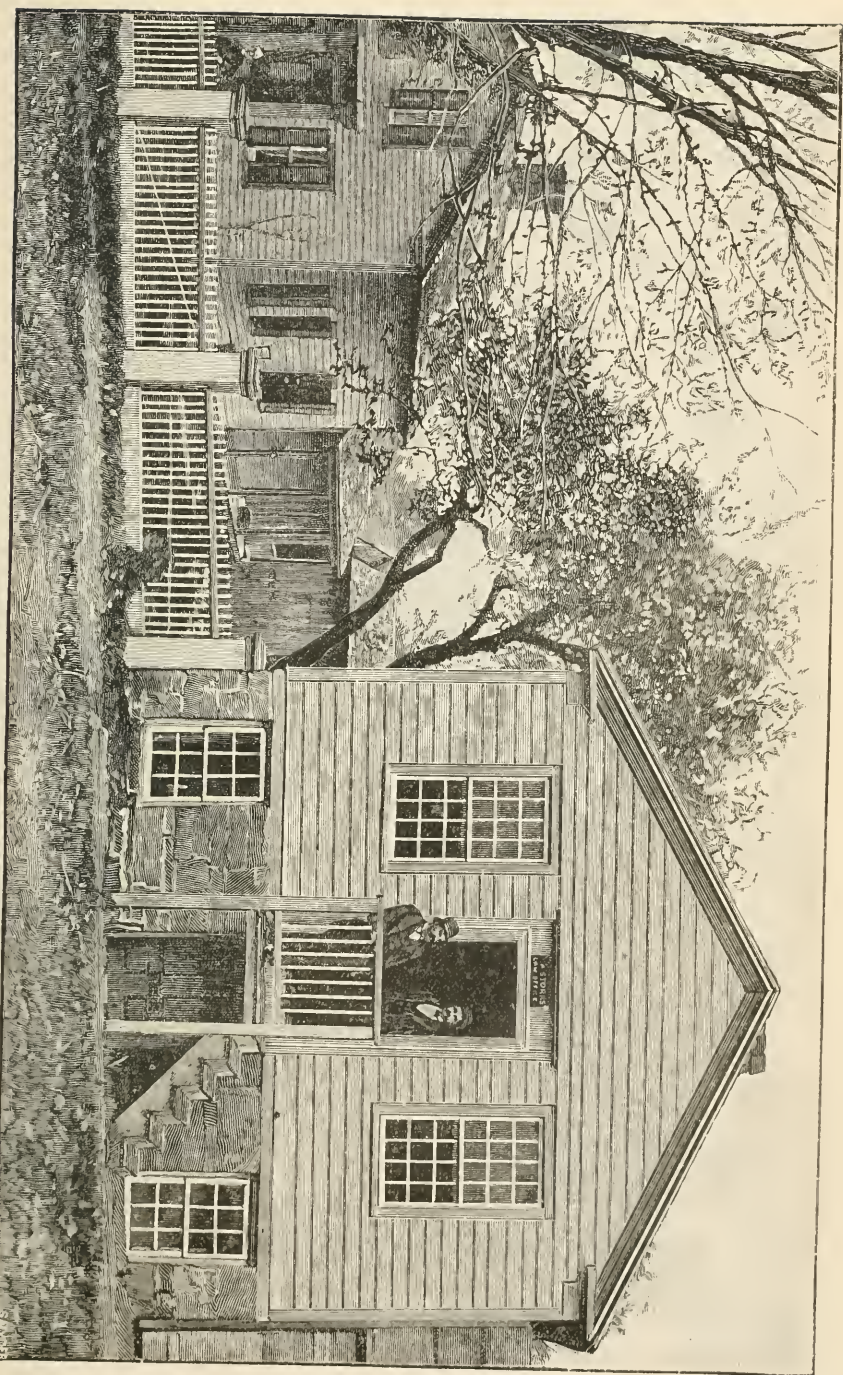
such a variety of objects!' 'How strange that any person possessed of moral and religious impressions can view the beautiful displays of all the natural existence around us but with wonder and love.' The starry heavens have excited the interest of many great men, such as Galileo, Herschel, Newton, and others.

"The flashing meteor darting through the skies, the caves and caverns of the earth, the insect that creeps beneath our feet, the lily of the vale, the thunder that rolls above us, all these cannot help sending through the mind those feelings of awe and astonishment which will compel us to exclaim in wonder."

There are crudities, naturally, in this composition, but with them a certain beauty of expression.

In his eleventh year, he essayed a love story, under the matter-of-fact title "Which Shall I Choose?" in which the battle of passions in the mind of a young man named "Fernando," who had gone in the pursuit of business from his country home and "sweet village love upon whom his affections had been bestowed" to a stirring city scene where, among other temptations, he met "a lovely maid," "her brown hair hanging in curls on her snowy neck"—was portrayed, with the somewhat unusual result of his marrying neither. The tale, no doubt, greatly impressed the academy listeners to the "Palladium" in which it appeared.

In 1846, when only thirteen years of age, Emery left the "Academy" of Hinsdale and began to read law and copy legal papers in the office of his father. He had, though so young, really finished the practical, if not very elaborate, curriculum of that little institution of learning in his native village; and, many months prior to this change in his duties, had already displayed a fondness for political events which was to cling to him through life. It is told how in the excitement attendant upon the electioneering of Polk and Dallas, the school lad primed to overflowing with newspaper political accounts would harangue his fellows, and how during the days of the Mexican war, from the commencement to the close, from the death of Ringgold to the battle of Chapultepec, he was as vigilant a reader and as accurate an authority as the neighborhood possessed. For two years he acted as his father's clerk, and there are many evidences of his diligence during this time, in reading what would be regarded as weighty matter for most lads of his age. All the elementary works on law were carefully read, and in the small frame office building, standing to-day as in 1846, in one corner of the home-



EARLY HOME OF EMORY A. STORRS, HINSDALE, CATTARAUGUS COUNTY, N. Y.



lot, appear such epitaphs to ended labor as that on the last leaf of the final volume of Kent's commentaries: "Completed the reading of this work, August 7th, 1848, E. A. Storrs."

Sometime in the fall of 1848, young Storrs entered the law office of Mr. B. Champlin, of the Town of Cuba, N. Y., a lawyer who ranked well throughout the adjoining counties and who later, for two terms, served efficiently as attorney-general of the State of New York. Here he read and copied, in a full round hand, and "chored" as one of the duties in those healthy days of all embryotic lawyers.

"One day in the spring of 1850," says General Gustavus Scroggs, now a retired lawyer of Buffalo, "while sitting in the office of Mr. Champlin, at Cuba, waiting for his appearance for an interview relating to an issue in which we were jointly acting, I first saw the late Mr. Storrs. My attention was first attracted and held by the interested way in which the little clerk with the large head seemed to be engaged in copying a voluminous legal paper. Getting into conversation with him, I found he was an unusually intelligent young man. During some days I saw a great deal of my acquaintance thus made, and the result was that, having first broached my desire to Mr. Champlin, and receiving his assent, I entered my friend's office one morning and said:

"'Emery, how would you like to be a Buffalo lawyer?'

"The reply was—'The country mouse envied the city mouse, and I want to go, if only for a time.'"

General Scroggs was of the firm of Austin & Scroggs, Mr. Austin being at the time district attorney, and each member ranking well in the legal fraternity of the city. The new clerk soon made himself indispensable. Though so young, the marked intellectual power made itself felt, and one of the firm is authority for the statement that it soon devolved on his young energies to investigate every fresh question presented his masters and to outline in a great measure their briefs. The politician continued to grow with the lawyer. He voiced to his fellow-students in the Buffalo law school, which he soon entered, opinions upon all the current events as clear cut and decided as though it was the man and not the boy who had been surveying the field. His positivism of idea reached even into his home letters. Take, for



an illustration, a sample from a letter written to his father, dated at Buffalo, No. 230 Main Street, June 23, 1850, while he was not yet seventeen years old, a short time after going to that city:

"We are pretty well crowded with business. Mr. Austin is at the court-house all the time. On Monday there is to be tried here in the Supreme Court a case which will be of the greatest interest to the legal and medical profession. Perhaps Doctor Clarke has heard of the case; it is *The People vs. Doctor Loomis* and Mr. Robie, libel on the information of Doctor James M. White of this city, professor of Obstetrics in the Medical College. I will at the earliest opportunity forward you the printed testimony and arguments of counsel in the case as I have no doubt but that it will be interesting to you.

"Have you read the speech of Daniel S. Dickinson at Tammany Hall? If you have not, do so the first time you see it as it is as splendid an oratorical effort as ever you saw and is full of truths. I am in hopes that Mr. Clay's compromise resolutions will pass, so that the government can have some peace from the ceaseless, useless, and highly dangerous incendiary harping on the slave question.

"I am more convinced than ever of the folly of continually keeping this slavery question in our national councils, and those fanatics, come they from the North or the South, who would seek to make the harassing question of slavery a dividing line and party test in our national councils should meet the treatment and fate of a traitor. By persisting in their fool-hardy measures, they will finally sap and undermine the glorious fabric of our Republican institutions, founded by the blood and treasure of patriots, 'the land of the free and the home of the brave,' the asylum of the oppressed of all nations, the glory of patriots and philanthropists and the dread of monarchists and despots."

Within a few months after Gen. Scroggs had taken the country boy into his office, he earned and was made managing clerk and upon him devolved the preparations of all the firm's cases. In the law school, too, he began to be regarded by all the students as a legal prodigy, and, though the youngest in his class, he became the acknowledged leader. His extremely sociable disposition, his love of anecdotes and continually overflowing humor, cemented the leadership granted by his mates. A faculty of eliminating the grotesque from the panorama of life was a powerful possession even in these student days. And "his aim and determination," to quote from the description of him as given by a fellow student of those days who is now himself a prominent jurist "not to be outdone by any human being were he old or young," extended even into the realm of anecdote or story, for nothing



could be related, imaginative or historical, but what he would match and surpass. This trait, which in after years became so marked a feature in his intellectual composition, mingled with his strong reasoning powers, became soon a topic of general comment in Buffalo and so enlivened the moot courts of the students, held in evenings, as to draw audiences composed not only of the student element but also of the bar and bench of the city.

In November of 1853, young Storrs, by request, enlarged upon a debate which had attracted considerable attention as indulged in by this debating club, and presented to a large audience in Lyceum Hall a lecture of much merit upon the "Growth of the Laws of Contract." It was deemed at the time as indicating much promise in a boy not yet having attained his majority, or to the age when he could be granted his law diploma. The lecture was one of close presentation of the law, graphically illustrated by familiar examples, and at times had a touch of eloquence even upon a subject ordinarily supposed to be dry and uninteresting. Only once during this lecture did his spirit of humor crop out, but then in a most happy way. In response to a question, he turned and said that the law did exercise particular care over the class which could not be included under the head of "Husband and Wife" (whom he had been assuming the laws of the day especially watched over and encouraged), that class composed of beings "usually designated as bachelors" and that "other equally unfortunate class, the especial victims of the shortcomings of the class last aforesaid—traveling disappointments—disembodied spirits of dead hopes and buried affections made manifest in the flesh, and known as old maids." The class of old bachelors he thought the law cared for by compelling, in the shape of taxes, to contribute to the support and education of those children who growing up should pity their choice of existence: the class of old maids, "more unfortunate than criminal, the law grants the negative privilege, no matter how much age may have impaired their beauty or soured their dispositions, of patrolling up and down the face of God's green earth—fishers of men—and of casting their lines into that great river of contingencies which shortly dividing empties into the sea of glorious consummation or the gulf of utter despair."

Mr. Storrs was admitted to the practice of the law at Batavia,

Genesee County, New York, on the fifth day of September, 1854, and at once became a member of the newly organized firm of Austin, Storrs & Austin, at Buffalo. Gen. Scroggs withdrew from his connection with Mr. Austin, and a son of the latter was joined in the new partnership. In this relation, it devolved upon Mr. Storrs to prepare and take charge of the law issues of the extensive business of the firm.

Only two days after his admission to the bar, there occurred the consummation of what had filled Mr. Storrs's mind even more, perhaps, than legal honors for many months. Sometime late in the year 1852, he had made the acquaintance of a Miss Caroline P. Mead, a niece of William Mead, a retired lumberman of Buffalo. Mr. Storrs described his love at first sight, in after years, as "consummate goneness at incipient comingness," but a too precipitate display of the passion with which he was inspired subjected the nineteen-year-old wooer, for such he at once became, to most cool repulses, not only on the part of the young lady but also from the uncle in whose sole custody lived the orphan niece. He proved a good pleader in his own cause, however, and within a short half-year had not only secured the favor of the inflamer, but, as is not always the case, even of the at first obdurate uncle. Marriage, however, was proscribed until he should become a full-fledged member of the bar.

"My Dear;——" (He wrote to an intimate friend in July, 1853.) "I wonder if it would be a convincing argument in the law class, provided I assume the position that private laws are as unbendingly potent as public laws, if I should proceed to reason, that the stern dictum of Uncle William Mead as effectually restricts me as does the legislative enactment of the New York law-molders. Uncle W. M., relentlessly decrees that I may love as a husband—he cannot help that! He cannot interfere with the commingled public and private laws of Heaven,—until I am handed a dried piece of sheep-skin and thereby given full license to *li-cense*. I have attained twenty-one years and have waded through so many folios; but I must not marry. So far, no farther. That is a well known private law. The statutes say I can read law, know law, feel like a lawyer, so long as I wish, but I cannot be a lawyer until I am twenty-one, perhaps until a third of my life has gone. That is a public law! I am now and shall forever be an advocate that knowledge, not years, determines fitness. Let it be knowledge of law, or of love, or of office. As it is, sometimes knowledge is *not* power."

He was married to Miss Mead, on the seventh day of September, 1854, in the First Presbyterian Church of Buffalo, the Rev. Dr. John Lord officiating.

Those intimate with the private life of Mr. Storrs can tell that until the night of his death love for wife and family amounted to passion. Indeed, it was strangely deep, tender, confiding, and unchanging. For wife, for family, no desire was allowed to remain ungratified. The combined causes of impatience for the attainment of legal manhood seemed but to steep him in a life-passion. It was once remarked to him that he approached nearer the genuinely poetic in his best arguments and addresses whenever his thoughts appeared to encircle a fireside, or whenever he alluded to wife or mother.

"Why not," he retorted, "I had years to enkindle the glow for mother; and for wife, I must have prepared in the fires of an eternity."

## CHAPTER II.

### THREE EARLY LITERARY GEMS.

AN ESSAY ON "MODERN CHARITY"—EXPERIMENT IN SERMON WRITING—THE PARABLE OF THE EWE LAMB—LECTURE ON "IDEALISTS AND UTILITARIANS."

A N early illustration of the possession by Mr. Storrs of a strong vein of sarcasm in his composition was preserved in a little effort which created some laughter, much applause, and, it must be confessed, a little angry blood, at the time of its introduction. A hatred of sham or pretense characterized the man, who never cloaked either his merits or demerits, and none ever lived who could so ruthlessly as he strip from vainglory all the flimsy pretext of godly charitableness. There had been in progress in the little city of Buffalo during the fall of 1855, and prior thereto, a gay series of balls for "sweet charity's sake," the conspicuous management of which had been suspected of headlining itself in the newspapers more for personal ends and gratification than for the promotion of relief for the unfortunate poor. This management consisted of the social leaders of the city, and, as is usually the case, while many knowing ones indulged in significant nods and winks, no one crystalized his thoughts into words until, boldly over his signature, appeared in the leading weekly paper a bright effusion styled a sermon on "Modern Charity." The lesson of the sermon was so manifest and so pointed, in the light of all the existing circumstances, that young Storrs did not hear the last of it for many a day. In truth, though preached more than three decades ago, there is pungency in the words as read to-day.

The sermon began in a semi-humorous tone concerning the

superficiality of those who fail to note the wonderful changes which the progress of civilization constantly effects in mankind, and of those who could not have failed otherwise to perceive that between the charity which now exists and that quality which the Bible calls charity there are wide and essential differences; indeed, charity, as we would understand it to be from our Bibles, has been so much improved upon in the progress of civilization, he wrote, as to bear but slight resemblance to the original, until at times he had been almost led to believe that in the very many modern improvements upon it, the original article styled charity had been refined out of existence. Examination develops points of similiarity, but, nevertheless, it is true that—

“Charity as it now is, and charity as it was two thousand years ago should operate in entirely different channels, proceed from altogether different motives, be devoted to entirely different purposes, and produce altogether different results than when as a quality of the human heart it was but in its infancy.

“Civilized man has learned vastly to extend the field of its operations, and in its various elaborations and changes it bears the most conclusive testimony to the immeasurable superiority of the nineteenth century over every other. Knowing full well that we do not properly appreciate the results of modern civilization, and from the fact that but very little has been written or said concerning the vast improvements in social position and in every department of human knowledge, which have been offered for mankind in this the nineteenth century, it would seem proper that the modest and retiring disposition so characteristic of civilized men in the present age and which leads them to place no high estimate upon their own powers, and to institute no comparisons between themselves and races of men who have lived before them, at all unfavorable to the latter, should be broken in upon and our people particularly be excited to a just estimate of their own greatness and of their vast superiority over their ancestors.

“It is indeed a sublime moral spectacle to see, as we have seen, the first circles of our society moved unanimously and simultaneously to the exercise of this most blessed of all the virtues! Have we not seen multitudes of the fairest gathering at a fancy ball, an institution of modern invention, whose hearts beat with the purest sympathy for the misery and wretchedness of the shivering poor around them. That was the kind of charity which *endureth* long. When we reflect that those delicate forms which before had never been clad in aught save the costliest fabrics, to decorate which Parisian taste and genius had been exhausted and the golden fields of California taxed to their utmost; those forms of almost ethereal lightness and grace which, glistening in diamonds and robed in the most magnificent fabrics of the East, had night after night in the glitter of brilliantly illuminated and highly decorated halls captivated all hearts, for the purposes of



charity—when we reflect upon all this, that ancient charity which would have contented itself by relieving the wretched and the suffering by overt contributions of food and clothing, or by furnishing them with employment at liberal prices, fades, as it were, into insignificance in the comparison. \* \* \* \* How vastly different from and superior to the old, old-fashioned charity! How rude and vulgar in the comparison does the latter appear! The charitable of the olden time would have hunted out the miserable and needy objects of their goodness in their wretched homes. Descending from their high position, they would have visited dark and loathsome alleys, attacked famine and starvation in their very citadels, and so far undignified themselves as to have come into personal contact with suffering poverty and, with their own hands, administered relief directly to it. Modern charity ingeniously evades all these unpleasant accomplishments. Instead of making the proper dispensation of charity a laborious and self-denying duty, it is rendered a source of pleasure and amusement. Healing is born to the sick upon waves of waltzing music, and from the whirl of the polka and the din of fashionable entertainments comes bread for the hungry and clothing for the naked. Paul, considered in his age and generation a very wise and worthy man, in his instructions to his church at Corinth said: ‘Charity suffereth long, and is kind; charity envieth not; charity vaunteth not itself, is not puffed up.’ Paul is now ranked with fogies, and the present system of charity demonstrates the very unphilosophical basis upon which his ideas rest.

“Moderns have discovered that example is the most effective of all teachers. Advertising was an art entirely unknown to the people to whom Paul’s remarks were directed, and in order that a charitable act should produce its full and legitimate effect it must be advertised, it must be published as an example. If Mr. Davis Doubloons, the opulent and charitable banker, contributes one hundred dollars for the manufacture of bone soup for the poor, the fact must be announced under larger capitals and with many commendatory remarks in order that Mr. John Crowsur and many other charitable and opulent bankers and merchants may be induced to do likewise; thus, we see readily how great a mistake Paul committed when he said, ‘Charity vaunteth not itself’—quite as great a mistake, also, in saying ‘Charity *envieth* not.’ We have discovered what Paul did not know, that great and beneficial results are produced by emulation, and emulation is but another name for envy. Accordingly, when the opulent and charitable Mr. Crowsur observes in all the morning papers the announcement of the munificent donation of his neighbor, Mr. Doubloons, the noble fire of emulation seizes his bosom, and he immediately contributes one hundred and twenty-five dollars for the purchase of a magnificent Shakespeare for his beloved pastor. This act of genuine charity being immediately published through the length and breadth of the land develops the same quality in the most extraordinary quarters, and straightway men whom the world before had considered given up entirely to the worship of wealth and to the strife after worldly honors, contribute liberally to some charitable purpose.

“The old-fashioned charity of which Paul wrote did not behave itself

unseemly, sought not her own, was not easily provoked, thought no evil. The leading events of the present age exhibit in a very striking light the decided superiority, in these respects also, of modern charity. Modern charity has a much more practical basis, well knowing that in allowing others to possess what is not properly their own would result in confused notions of the rights of property, it distinctly asserts its own rights and enforces them.

“Paul and his believers, following a morbid and unhealthy sentiment would have seen others entertaining the most heretical and unorthodox ideas, and would have extended respect to honest opinions however variant from theirs, using only argument and the example of their own conduct to remove these opinions, thinking that human nature at best is erring and that the human understanding is not always correct. Those who differed essentially from them they considered as friends, whom they were desirous of benefitting by conversion to what they deemed proper belief, rather than of persecuting for errors of the understanding.

“How much more practical are we ! Knowing that in this nineteenth century reason has reached its highest development and that human prefectibility has been attained, we are certain that our opinions are correct in every instance, and that they are the only ones which can ensure real happiness to their possessors. Whenever, therefore, we come in contact with those whose ideas differ from ours, out of pure charity for them and in order that they may enjoy that perfect happiness which is our portion, by various means of petty persecution, we either force them to acknowledge the errors of their belief, or banish them from society, and leave them to the enjoyment of that miserable existence which such wilfulness richly deserves. \* \* \* \* \*

“The old-fashioned charity had a spirit which compassed the globe. Bearing all things, believing all things, hoping all things, enduring all things, it looked with tender compassion upon man's sorrows and sins, pitied his weaknesses, by active exertions relieved his miseries, trusted every man as a brother of whom God was the common parent, considered no man better than another but all erring, all needing sympathy and assistance. Even in our day has this old-fashioned charity found its admirers. Weak-minded and impractical men, like Thomas Hood singing the ‘Song of the Shirt’ and the ‘Bridge of Sighs’ have endeavored to excite us to the exercise of the Bible charity ; but the crowded alleys of our populous cities, the want and the wretchedness which stare us in the face at every corner, the thousands of ruined and abandoned women, exiles from home and outcasts upon the face of the Earth, the pale faces and stooping forms of sewing girls sustaining life upon the merest pittance of wages, all abundantly testify that we are not to be misled by any such false appeals to our sympathies.

“Modern charity spurns the shivering beggar from its door and refusing relief sends him to a home where want and sorrow never come ; it erects magnificent churches and does not allow them to be contaminated by plebian worshipers ; it teaches sewing girls economy and self-denial by

limiting their wages, and forbearance and meekness by beating them; it contributes large sums of money in disseminating tracts amongst the Hindoos and flannel shirts to the Patagonians, and praises God so loudly that the wail of sorrow and the sigh of the broken and bleeding heart are never once heard."

This sarcastic thrust was one of three literary productions, written about the same date, unlike in their general tone to any other emanations of their author, and each deeply tinged with an earnest religious sentiment. The one, "Modern Charity" appeared "October 20, 1855," the second, entitled "The Ewe Lamb," dated "December, 1855," it cannot be certainly said was ever before shown to other eyes than those of him who wrote it; the third of the group, "Idealists and Utilitarians," was written as a lecture and delivered before the students of Medina College, in the town of that name, New York, the evening of January 13, 1856. The second named in its historical order, "The Ewe Lamb" is a gem of religious literature, chaste and beautiful in diction and far-reaching in its powerful lesson. It would be difficult in all English letters to discover anywhere a more perfect type of a logical lesson from the scriptures. If ever read to anyone, it must have been at some religious gathering about the time it was written. The little sermon, however, deserved a better fate than to have lain hidden for more than thirty years. Its character and brevity warrant reproduction in full:

"And the Lord sent Nathan unto David. And he came unto him, and said unto him, There were two men in one city; the one rich and the other poor. The rich man had exceeding many flocks and herds: but the poor man had nothing, save one little lamb, which he had bought and nourished up; and it grew up together with him, and with his children; it did eat of his own meat, and drank of his own cup, and lay in his bosom, and was unto him as a daughter. And there came a traveler unto the rich man, and he spared to take of his own flock and of his own herd, to dress for the wayfaring man that was come unto him; but took the poor man's lamb, and dressed it for the man that was come to him. And David's anger was greatly kindled against the man; and he said to Nathan: As the Lord liveth, the man that hath done this thing shall surely die: and he shall restore the lamb fourfold, because he did this thing, and because he had no pity. And Nathan said to David, Thou art the man.—2 *Samuel*, XII., 1-7.

"There is not in the whole range of literature, ancient or modern, sacred or profane, a narrative more pure and simple in its style, more touching in its character, or carrying with it a better lesson, than that we

make the subject of the evening's remarks. Across the chasm of more than three thousand years that lesson comes to us with none of its force impaired and quite as applicable to us to-day in many respects as to the terrified King who stood at the close of its recital self-condemned before the stern and justice-meting prophet.

"This David seemed to have been above all men chosen and honored of God. Fame, riches, every temporal and physical comfort or luxury, honor, troops of friends, success in battle, triumph over foes, all these were his, and it would have seemed that all temptation or occasion for sin had been removed from him. He saw, however, the wife of Uriah, the Hittite, and her he coveted for himself. He placed the faithful servant in the front rank of the battle where the contest raged the hottest and the arrows flew the thickest, and Uriah fell a victim to the passions of his King.

"And now observe how skillfully the old prophet wrought up the guilty King to a virtuous indignation of his own act.' Against the rich man who would take the poor man's lamb to dress for the wayfaring man that was come to him, David's anger was greatly kindled; the punishment to be inflicted was condign and speedy. He felt no doubt a great degree of moral exaltation in passing such severe sentence upon and in showing his hatred of the merciless and cruel act narrated by the prophet, but when the stern prophet said unto him, '*Thou art the man,*' David saw at once the full meaning of the simple story so touchingly told; and, humiliated and abased, stood self-condemned before his accuser.

"The primary lesson conveyed by this story I apprehend to be this: that right sentiment and correct religious or moral belief constitute but a small portion of the true and genuine Christian character. Indeed, that unless these sentiments and this belief, which are but as the blossoms upon the tree, flourish and ripen into the fruit of active good deeds, they are as worthless as those blossoms when the frosts have blasted or the winds whirled them away; and, inasmuch as our various creeds and theologies elevate belief simply into such high places among the catalogue of Christian virtues, this truth, apparently so plain and simple, becomes of the vastest importance in guiding and regulating the conduct of men.

"What avails it that he who professes and loudly asserts his belief in the perfect character of Christ and His teachings, overreaches his neighbor by trickery and fraud, gains possession of his means, and entertains the wayfaring stranger out of his riches so basely acquired? What avails it that he who asserts as his belief or his sentiment the great leading element of Christianity 'love thy neighbor as thyself,' should think of his neighbor simply as a tool to be used, one of the rounds of the ladder upon which he is to step in his climbing after fame or riches. We listen to the story of wrong perpetrated abroad; we are told that in distant lands thousands are perishing for food, dying of want, because the rulers take the profits of famishing labor; we, as did David of old, warm into virtuous wrath, are full of flaming indignation, while the wail of sorrow and the cry of the broken and bleeding heart is heard uncomforted at our very doors. We talk loudly of our far-reaching charities, but the crowded and reeking and

loathsome alleys of our populous cities, the multitudes of children rapidly becoming proficient in vice and crime, the thousands of ruined and abandoned women, are the sorry, the tragical commentaries on the genuineness of our lofty sentiment. We profess the largest freedom of opinion, the utmost liberality of sentiment. We grow fiercely indignant when we hear that the heathen have dined off a missionary or that some good man a great way off has been prohibited the utterance of his opinion, but every day we immolate upon the altar of our self-conceit some other missionary for some purpose foreign to our own. We taboo and shut out from society the utterer of an heterodox sentiment.

"We believe in the universal spread of the great truths of the Christian religion, build churches wherein that religion shall be preached, and place the expense of salvation at so high a price that no plebian can ever hope, save through some lucky enterprise, to grasp it. We believe in and talk loudly of the purity and simplicity of the Christian character, and doze over a conservative sermon, on velvet cushions with gilded prayer books, glittering under the light streaming upon them through generously painted windows. We claim to be proud of the plain and simple habits of our fathers, but broadcloth and doe skin have long since triumphed over sheep's-gray and satinet. Merrimac and calico are now only worn by the unregenerated. We are sorry that so much extravagance exists, but bury our grief under point lace, moire antique, and sables. Good, conservative men, classed among 'the first citizens' will have a dinner of many courses, and discourse to the poor on the necessity of self-denial, abstinence, and temperance.

"Imagine that the stern old prophet should approach us as he did the Hebrew King, should recite to us in terms as simple and as beautiful as to his royal hearer some fancied tale of wrong, some act of injustice, would not all our noble sentiment be in a moment aroused? Would we not call loudly for punishment, and finally would not the prophet startle us from our conceited repose by the terrible rebuke 'Thou art the man!' And so we see that no man's salvation rests upon his *belief*, upon his *sentiment*, upon what he thinks and feels, but upon what he *does* in the world—upon what *good* he actually accomplishes. If I see my neighbor extremely pious on the Sabbath. If he worships one day out of seven in the most orthodox church, and denounces most vigorously the sins of the Babylonians, the short-comings and the covetousness of the Jews, and the next day defrauds an Israelitish dealer, I claim that his belief avails him not, it is but the blossom which the frosts have blasted, which the winds have whirled away. But he who relieves his neighbor in distress, who every day of his life, from Christian motive deals honorably and fairly with his fellow, is entitled to and will receive his reward. This is the lesson which our text teaches. Let us heed it."

One who was a listener to the lecture on "Idealists and Utilitarians" narrates graphically the circumstances of its delivery at Medina. Mr. Storrs was one of several speakers comprising a "students course" for the Winter of 1855-6, and had been



selected and invited as one of the lecturers by the college association, some members of which had heard of the rising fame of the Buffalo lawyer whose original utterances had already extended by admiring repetition through the neighboring region. It transpired that he was supposed to be a man somewhat mature in years, and when the smooth-faced, slightly built young fellow, but little more than twenty-two years of age, met the reception committee at the hotel before proceeding to the hall, the first thought was that there had been a mistake. In a few minutes, however, the stripling was holding his reception committee, as they stood crowded about the stove, in rapt admiration at the marvelous flow of racy sayings pouring forth after one another as though the fountain was inexhaustible. In 1884, during the first visit to Chicago of Mr. Henry Irving, that great actor, said to a friend, "I sat in Mr. Storrs' room last night for a half-hour, I had thought, until rising to go I found my half-hour was from eleven till after three in the morning. He is the most wondrous conversationalist." So, with the reception committee at Medina.

The night was one following a day of heavy snow, and it was dark and intensely cold, yet the lecture-room was overflowing with a mixed audience of citizens and students. The speaker when he took his position upon the platform appeared, so youthful was his figure and face, like a mere boy of sixteen or eighteen years of age, and a murmur of surprise was plainly audible; but the surprise soon merged into admiration. Self-possessed, with marked deliberation, in a voice remarkable for its tone and power, the young orator began with the words that in the course of his very limited literary experience it had been his fortune to listen to few lectures professing to exhaust the subject upon which they were based, that the exceptions he had learned to be attended with an exceedingly unfavorable co-incident, namely that the patience of the audience was exhausted about the same time or perhaps a little before the subject. After analyzing his view of the ideal and the practical, he gradually developed his theme as carefully prepared in his paper, until becoming warmed by his fire of thought he less and less confined himself to his manuscript, his voice quickened in its utterance, now rose and now fell with the modulation of his thought, until, seemingly forgetful of himself as he uttered his

apostrophe to the poetry of mechanical enterprise, he stepped away from his written effort, and for an hour and a half held his audience entranced. One present, and now living, says that the by-play of wit and the metaphors evidently inspired by the occasion were as the product of a temporary inspiration not to be preserved in ink. The manuscript of this attempt on the part of Mr. Storrs to formally lecture was worded thus :

"A very eminent philosopher, who now sleeps with the forgotten dead, divided mankind into two classes; those who had been hanged, and those who had not been hanged. Fault has been found with this classification as being too general. The division of our present society into Idealists and Utilitarians is open to the same objection; but, I apprehend, nevertheless, that a careful and unbiased consideration of the peculiarities of the classes I have mentioned, may lead us to avoid the defects of each, and to strive after and emulate the merits of both. If any such result be obtained, the classification will be sufficiently definite for our present purpose.

"In considering this subject, I must be allowed to give the widest latitude of meaning to the words Idealist and Utilitarian which their customary use will permit; a latitude somewhat wider perhaps, than a strict adherence to the terms would justify. With the Idealist I shall rank the philosopher, the thinker and the man of letters; with the Utilitarian, I shall, also, include many whom the strict meaning of the word would not embrace.

"My present purpose futhermore, is to consider only the Idealists and Utilitarians who are honest in the opinions which they hold. With the Idealist who is so, merely because it is genteel to be so, whose highest idea of the divine spirit of poetry finds its manifestations in a Byronical and an assumed misanthropic hatred of mankind, whose philosophy or idealism is the result rather of a diseased stomach the effect of late suppers, than genuine thought or inspiration; with the Utilitarian, who creates books and authors merely to exhibit his own superior wisdom and who wilfully shuts his eyes against everything in the shape of a stubborn, universally-acknowledged fact,—with these men we have nothing to do; it would require a distinct lecture to give these base frauds and counterfeits their full deserts.

"It has of late been quite the fashion with a certain class of our writers to decry and lament the practical and utilitarian tendencies of the age. In this blind and short-sighted crusade of the ideal against the practical, I consider a great mistake is made. It is the nature of man, at least of speculative, thinking man, when told that a thing is valuable to inquire why it is so, what has it accomplished; show us some beneficial result proceeding from your system or idea before asking us to admire it; these questions and this demand are eminently just and proper, and, therefore, those ideas which assume a tangible shape, and produce some immediate and visible result, will always be the most popular and the most praised.

"The thinker, the philosopher, in the quiet and seclusion of his study, shut out from contact with the busy world, after laborious thought and investiga-

tion, originates in his mind a system of philosophy, or, perhaps, an idea applicable to some mechanical project which he conceives to be of the most vital interest and importance. Of its value, he has the very highest notion. He proclaims it to the world, and asks the world to recognize its importance and to bestow upon him the full measure of praise, to which, in his own mind, such a brilliant discovery justly entitles him. The probabilities are, that the great mass of mankind are unable to see the system, or idea, with the same eyes as he to whom it owes its origin. In a matter of such importance they ask for proof. If, they say, you have really climbed the highest mountain of thought, have reached the very summit, and plucked any portion of the bright fruits growing thereon, be kind enough to give us who are yet toiling in the valleys of mediocrity, in the deep shadows of the high mountain, some demonstrative evidence of the success which you claim to have achieved.

"If you have indeed the true knowledge planted directly within the centre of your intellectual garden, the right to the unlimited use and enjoyment of its fruits, convince us who are not equally fortunately situated of the justness of your assertion by permitting us to see and taste the fruit; although we are not geniuses, nor philosophers like yourself, we can still be convinced by competent proof, our minds are open to conviction, but we have been before now so bitterly deceived by glittering specimens held at a tempting distance, that our experience teaches us to surrender ourselves converts to no theory, or idea, or system of whatever kind without the completest evidence of its genuineness.

"The Idealist very much mistakes his true interest in bestowing, as many of them do, such unmeasured abuse upon the practical. They seem to overlook the great fact, that the object for which they are so earnestly striving is to secure the practical operation of their ideas and theories; of what earthly use is an idea, resting merely in the mind and taking no practical channel? If a man's head be full of this class of ideas, which in their application to the wants of mankind can produce no beneficial results, either to his physical, moral, intellectual, or social nature, it would be well to give them immediate notice to quit, turn out the entire vagabond company, and substitute in its place the multiplication table, or the rule of three. In point of fact utter emptiness would be preferable.

"That class of ideas which cannot be driven in any practical road, nor harnessed and compelled to work in any useful way, were undoubtedly intended by Divine Providence in His inscrutable wisdom to fulfil some useful mission; but no human sagacity has ever yet been able to fathom his designs in inflicting them upon mankind. Wars, pestilence and famine keep down the surplus population—our war with Mexico, for example, rid many of our large cities of gangs of loafers and swindlers, who, in the ordinary course of nature, would have infested society for years. Thunderstorms clear the atmosphere. Large freshets destroying the products of an entire year's industry, fructify and make more useful the soil. Boils and carbuncles are troublesome things to be sure, but they purify the blood. All the ills indeed to which flesh is heir have some beneficial results, but on

this crowded planet, an idea which cannot be made to work, is like a bull in a china shop, very much out of place, and the sooner it is starved out of existence the better.

"This rage of ideas has in many instances reached a sickening excess. That class of philosophers who pride themselves so highly upon their heaven-born genius rail with the utmost virulence against everything which can be turned to a useful purpose. They censure us in their wisdom because we cover our land with the network of railroads; call us gross materialists because we plough the ocean with our steamships. Deprecate and decry as altogether wrong and out of place that noble spirit of enterprise so characteristic of our age which whitens every sea with the sails of a commerce so extended that its fibres intimately interlace the fate of kingdoms. The captious Idealist fails to perceive what every one must feel, that that ceaseless activity, that grand march of the human mind, that warfare of light and knowledge against oppression and ignorance and superstition and fraud which is now being waged all over the world, and in which we are all more or less actively engaged, is a sublimer epic than ever poet sang or dreamed. Poetry, is that what you desire? Do you find no poetry in that invincible, that sublime perseverance and enterprise which enabled the stern and hardy Puritan to triumph over every obstacle, subdue the elements themselves, and to convert the cold, rocky and sterile soil of New England into a fertile garden? Was it not the divine *inflatus* which has erected the altar of human worship in the human heart, which has peopled a continent, rich in every variety of agricultural product, which has demonstrated the great idea of self-government, which has called into existence a literature broad and catholic in its spirit, a literature which even in its infancy has achieved for itself immortality. Poetry? why my captious critic, the shrill defiant whistle of that locomotive which you affect to despise so much, grimed with smoke, rushing in its mighty course with thousands on its back, demonstrating as it does the triumph of mind over the apparently most uncontrollable of physical agents, sings its grand song of human progress with a cadence which drowns your fault-finding in its sublime charms, and beats your intangible philosophy, your intractable ideas, out of sight.

"Of what use, say we to the Idealists, are ideas, except they be made productive of some good to the human race?

"What is the use of learning and thought and systems of philosophy unless they operate in some way or the other to benefit and improve mankind? A genuine idea is not a dead unproductive thing, it will make itself felt, it will come down from its high spiritual existence, clothe itself with robes of materiality, and wear them gracefully, and to some useful purpose. Don't rail at the practical; it is, as it were, the noblest ideas which have ever endowed genius; it is born of Heaven and Immortality, made manifest in the flesh. Every practical result in mechanics, in morals, and in our intellectual or social nature, is but an idea, the result of human thought and investigation operating in its proper and legitimate channel. .



"When we look, on the querulous and fault-finding philosopher, upon the deep seams which care has ploughed in your forehead, at the grey hairs prematurely making their appearance, at those ugly wrinkles with which bad temper has disfigured your face, we much prefer to remain in the quiet contentedness of what you call our stupidity and ignorance, than to barter it away for the learning, the wisdom which only serves to embitter your temper, and which you are not able to turn to any good account. We tell you, and all of your like, that with all your noise, with all your talk about our gross stupidity, our degrading materialism, unless your wisdom can be made to produce some good in the world, we shall beg leave most respectfully to consider you but another species of that already mighty host denominated humbugs.

"The Ultra-Utilitarian has also, it will be seen, his peculiar defects and shortcomings. He looks only to the thing itself and despises, or affects to despise, the source from which it originated. He owns steam-boats and railroad stocks; is a director in telegraph companies; lights his house with gas; advertises largely in the daily newspapers, but yet it never once occurs to him but that these things were always so. He seems to think that steamboats and locomotives were born into existence complete at once, or like Dogberry's reading and writing came by instinct. He knows, to be sure, that poles are set and wires extended for telegraphic communications, but as to who first did these things or why, he had no more idea than had his Britannic Majesty, George III., how the apples ever got inside the dumpling. He looks simply at the effect and never at the cause. He has a profounder respect for the owner of a line of ocean or lake steamers, than for Mr. Robert Fulton who never kept a bank account. He has a holy horror of sentiment of all kinds. He teaches his children facts and enforces upon them that profound piece of philosophy 'Money makes the mare go.' His own morality is summed up in that selfish little maxim, 'Honesty is the best policy.'—Be honest, not because it is a Christian duty, a moral obligation, but because you can make more money that way in the long run. He gives a false and ridiculous pre-eminence to the effect over the cause. He sees the practical working of the steam-engine and the locomotive, but of the great principle which propels them, the idea which underlies it all, he knows nothing. He cannot recognize merit in any idea or principle or thing, save where it operates directly within the cognizance of the senses, upon the material substances; hence in him, literature, poetry, find no friend. He laughs and sneers in his contemptuous way at every appeal to high sentiment; to kind and gentle sympathies, to humane and tender emotions, to noble and lofty aspirations, denominating it as stuff and sickly sentimentality, and those who know and excite all the emotions, weak-minded and sentimental. Weak-minded and sentimental! Who are you? shouting that it is dark because thick scales of prejudice shut from you the glorious sunlight? you who insist that no cry, nor sorrow, nor distress is ever heard because the noise of your busy machinery has made you deaf? you who laugh at and scorn human affections, sympathy, and high and noble ambitions, because the feverish heat of trade has dried up the juices of your body, and sucked



the life blood out of every generous emotion? You, you old mummy, what have you ever done in the world or for it? Had mankind all been like you we should still have clung to our primitive fig-leaves and war-clubs; which latter, you know, are very practical things.

"Steamboats, railroads, telegraphs, gas-lights, where would they all have been, but for those troublesome Idealists whom you facetiously call shiftless fellows, and abuse so mercilessly?

"Whence came those steamboats which have enriched you, those railroads covering our entire extent of country with a network of iron; the telegraph with its lightning messengers of intelligence; the free schools educating at public expense every child in the land; those daily newspapers spreading before us at morning and evening news from every quarter of the globe? Ask Robert Fulton, and John Fitch, and Guttenberg, and Morse, quiet thinkers only, what hand they have had in these great features of the age. Long, long before these had material existence, they were ideas in the minds of these men; ideas, the results of days and nights of anxious thought and study, and experiment continued under discouragement and reproach, and the fierce struggle for existence from day to day; mere ideas, projects only, and many a practical man like yourself, engaged in the legitimate business of banking or merchandise, calling these very men crazy, and some of the more kindly hearted ones pitying them sincerely for these unfortunate aberrations of reason. But further still than this; the ideas which these men inventors have turned to such practical account, in many instances, originated hundreds of years before them in the mind of some poor, famishing author.

"This idea thrown out upon the world at a time of intellectual barrenness took no deep root and hardly survived the unfruitful soil in which it was first planted or the chilling winds to which it was originally exposed; still it lived until some mind which could appreciate its value and properly estimate its importance, breathed new life into its decaying spirit and clothed its spiritual form with robes of materiality, and thus the seed, which the poor author in want and sorrow and neglect had sown, long years after his mind had ceased to act, and his name had become forgotten amongst men, produced its legitimate results in great practical benefits to mankind, for whose good he had so zealously and self-denyingly labored.

"The most damaging error, however, of the Ultra-Utilitarian rests on his mistaking the means for the end. If our civilization of which we boast so highly, consists merely in our increased and enlarged abilities to make money, it is most certainly a bad bargain when we consider the self-independence and freedom which we have given in exchange; it is not worth the possessing: But all those magnificent achievements of human science and investigation, so distinctive of modern civilization, tend to much higher and nobler purposes. Their legitimate object is to increase the happiness of mankind, to alleviate his sufferings, to enlarge and liberalize his industry, to better and purify his heart. To these results should all human endeavor be directed, and he who in any way contributes to this end is indeed a public benefactor.

"The mere fact that I possess money, of itself renders me none the happier; the only pleasure I can derive from it consists in the uses to which it may be applied. The rich man who uses his wealth in alleviating and relieving human sorrow and misery, who feeds the hungry, clothes the naked, enlightens the darkened mind, assists the unfortunate, cheers and encourages the depressed in spirit, or enlarges and cultivates his own understanding, is indeed one of the happiest of men, but his wealth is only the *means* by which it is secured.

"The accumulation of dollars, is not then the great end and aim of human existence. If it were so, our literature need consist of nothing more than ledgers and books of account, counterfeit bank-note detectors or biographies of eminent showmen. If it were so, all those kindly and gentle emotions dignifying and exalting human nature would be utterly extinguished, the voice of compassion and the wail of sorrow would be drowned in their din of trade and the clamor of traffic, the hand of charity would be forever closed; reason, the divinest attribute of man, would be made the servant of the hard task-master; wealth, chained to factory wheels, sunk to mere instinct, would leave the wide and glorious fields of human thought and investigation untrodden. No more would pity find a place within the bosom of man, melting and subduing with her gentle pressure his cold, hard heart. Imagination, shorn of her wings and stripped of her heaven-derived attributes, would plume herself for no further flights. The gentle spirit of Poesy, chilled by the cold contact of figures, would be frightened from the face of the earth by long files of belligerent Statistics, clad in arms and armour of solid facts; or venturing here perhaps too long would be crushed beneath huge volumes of accounts current and buried at last in a patent salamander safe, with a ledger for its headstone and a day-book at its feet, and would be secured in its last honors by one of Hobb's inimitable locks.

"You have done much, you practical men with your keen sagacity, your business tact, your calculating minds, your large enterprises, your ceaseless activity for the good of mankind. You, too, although you may not know it, have hearts within you that can be made to feel. Long years ago, when still you were lingering in the broad, bright galleries of youth, with its beautiful visions spread out so clearly before you, you despised all base and sordid motives, you longed but for fame, the fame of being great and good; you lingered yet long over the record of those great names which have endeared themselves to the world; you desired to ransack and explore every department of human knowledge, to vindicate right and justice and truth wherever you found it, and you would then have condemned, not with the cool circumspect manner of your later days, but with warm, impassioned and honest denunciation, every act of wrong, no matter how exalted the source from whence it came. Full well we know, that in the quiet of your own home, when the shutters are all closed, when the restless spirit of trade has hushed itself to sleep until the morrow's sun shall wake, and the shadows of the night fall thickly upon you, your mind in its busy workings swiftly turns you out of the highways of trade, out of the close and crowded temples which Mammon

has erected for its worshipers, back, back, back, over every step of that long journey you once have traveled. You count again the mile-stones which you so hurriedly passed; as you proceed, less and less difficult becomes the way; you hear now, not very far away, the clear old melodies which gladdened you in your boyhood; breezes, loaded with the fragrance of the clover and the honey-suckle, fan your feverish brow; at last you come home upon that broad and beautiful country where youth with you once held high festival; its clear pure air, its glorious and boundless extent, its numberless beauties, charm and delight you. Memory—the kindest agent of the human mind—like the sunshine upon a distant mountain, hides in deep shadow every rocky point, smooths every rough place, and brings into strong clear light every spot of verdure and of green,

“You linger long upon that picture. Wealth you have, but what of that?—wealth, wealth that cannot be counted and still your anxious and careworn face! the deep seams upon your forehead, the gray hairs scattered over your temples, betray to us that your mind is ill, very ill at ease. You think in your quiet now and ponder upon the lesson your past life has taught; you sigh and are sad over the retrospect; and the bright and glorious days of your youth, how you wish they might return; the dear friends of that olden time who loved with a devotion, which in your later days you have never experienced—they too are all gone: Father, mother, brother, sister, wife, children—all gone, and such complete control has the fierce demon of business held, that until now you had long since ceased to think of them; and now you count your gains and feel that there is still something immeasurably superior to all your hoarded wealth; you feel that in exchanging purity of heart, loftiness of purpose, and the stern convictions of right for the blandishments of wealth—a fearful bargain has been driven. Full well we know that he, who by what he has written or uttered, excites the passions for knowledge in the mind, enlarges our sympathies, betters our hearts, corrects and purifies our desires, invests us with that Christian courage which dares to do anything right and fears to do anything wrong, is entitled to our lasting love and respect, and has nobly fulfilled his mission upon earth. How we love to linger over the ground which these high-priests of nature have made holy and sacred; in the quiet of our study where blind old Homer sings once more his inspired song; where Byron, and Shakespeare, and Milton, and all the great men of all ages past are guests at our bidding, we feel our hearts inspired with new and higher purposes, we look back upon that long line of great names which has cheered us in our sadness, enlightened us in our ignorance, guided by gentle and kindly influences in our wayward wanderings and opened the heart to melting charities. We see these great benefactors to their race, guiding lights in the sublime march of human improvement far, far in advance of that great host for whom they are laboring; despised, ill-appreciated, persecuted by ignorance and malice, struggling fiercely for subsistence—what now would we give in exchange for the noble lessons these men have taught and are every day teaching us?

“How full now is the measure of their fame! The sublime song of the

noble, blind and Puritan poet, even across the gulf of years, wakes its echo in every heart. Bacon, the politician is no more, but Bacon the thinker, Bacon the author, standing far in advance of the times in which he lived, seeing with his clear eye, and embracing with his great mind every department of human knowledge, will be a household word, when the monarch to whom he cringed will be forgotten. And dear and cherished in every heart, shall be the memory of thee, thou gentle, good, generous, whole-souled, wayward Oliver Goldsmith; bright upon Glory's column is thy name inscribed, and tenderly in every heart which loves its kind shall thy memory be cherished! And while we reverence so highly the great departed ones from whose examples and teachings we may all learn to be wiser and better, we should not pass over in silence the thinker, the author of our own times. We must not content ourselves with venerating the names that have preceded us, nor yet in writing praises upon their tombstones, but by active exertion strive to render ourselves worthy descendents of such noble ancestry. Because there were giants in those days, it can certainly be no good reason that we should be all dwarfs and Lilliputians in these days. Because they were great and good and pure, this is no reason that we should be small and base and mean. The destiny of the human race is progressive, and we have all the learning of all who have preceded us as a beginning for ourselves. The Idealist of every kind has his mission and his proper sphere of action; the Utilitarian his. Let all, then, use the past as a solemn teacher. Act in the grand present with its teeming projects, worthily and honestly, and thus secure success in the future.

"Standing just upon the threshold of another year, with the traces which the past have left of sorrow, and joy, and warning still fresh before us, begin it with high and pure resolve. Remember, Oh poet and philosopher and thinker, that the business of this life is stern and real, the field is the earth, and its good is immortality. Train, then, your genius, to the high purpose of benefiting your fellow-man. Be an active, earnest soldier in this great battle of life, and even here for you shall Fame blow her loudest trumpet. Look backward upon the past with all its solemn warnings, its gay rejoicings, its striking contrast of pageant and parade and sorrow and distress, of hope buoyant and bright, of disappointment and despair, of errors and repentance; and forward to the solemn future in which we are called to act. Think, Oh ye practical men of the world, full of its schemings and its plans, bounteously blessed with wealth, think of the solemn purposes of life. Despise not the fairer feelings of our nature; scorn not those who seek to excite them to action. Hear the cry for help, coming from the distressed and bleeding heart, which rises above the noise and tumult of our active life and never ceases. Hear, and hearing, heed. Out of thine abundance, turn sorrow into gladness and misery into lightness of heart. Learn lessons of wisdom, not only from the experiences of your own life, but from the recorded experience of the lives of others. Despise not books, for they are the treasured greatness of all the ages. Nobly indeed has it been said by him in whom met all that is good, both in the ideal and practical, the puritan warrior and the sublimest of poets:

‘Books are not absolutely dead things, but do contain a progeny of life in them to be as active as that soul was whose progeny they are; nay, they do preserve as in a vial the purest efficacy and extraction of that living intellect that bred them. I know they are as lively and as vigorously productive as those fabulous dragon’s teeth which being sown up and down may chance to spring up armed men, and yet on the other hand unless wariness be used, as good almost kill a man as kill a good book; who kills a man kills a reasonable creature, God’s image; but he who destroys a good book, kills reason itself; kills the image of God as it were in the eye. Many a man lives a burden to the earth, but a good book is the precious life-blood of a master-spirit embalmed and treasured up on purpose to a life beyond life.’”



## CHAPTER III.

### WRITING FOR THE PRESS.

1854—1857.

LITERARY CONTRIBUTIONS TO THE BUFFALO NEWSPAPERS—AMERICAN MAGAZINES THIRTY YEARS AGO—SOUTHERN LITERATURE—AN HISTORICAL CURIOSITY—REVIEW OF THE LIFE OF GENERAL CASS—BENTON'S "THIRTY YEARS IN THE UNITED STATES SENATE"—A PROPHETIC FORECAST OF THE OUTCOME OF THE SLAVERY AGITATION.

AS early as 1854, Mr. Storrs was contributing to the press literary articles of considerable merit, as a means of utilizing the leisure intervals which—though not so in his case—most young lawyers find come too often while waiting the development of professional practice. The columns of the *Buffalo Commercial Advertiser* contained several of his productions, and one in particular, being a review of the current magazine literature of the day, is so ably written that an extract from it will be read with interest by all who knew Mr. Storrs in the zenith of his fame. It shows also of what different stuff the magazines of that time were made up from those of the present day.

"No class of publications," he says in an article in this paper, dated March 11, 1854, "outside the daily press, occupies a more important position than magazines in the literature of the day. Filled with articles of general interest upon topics which occupy the public mind for the time being, flavored with the spices of variety, placed before the people in a cheap and attractive form, they are read with avidity, and enjoy a wide spread and large circulation. A magazine can therefore be made productive of much good or of great evil, according as its tone and style are healthful, sound and pure, or corrupt and baneful. Finding their way into the hands of the young, their essays are read with more attention than newspaper articles receive, and make a more lasting impression than is caused by lengthy reviews and tales. Remembering these

facts, we regard as a misfortune the existence of so many sickly, trashy magazines in this country. At present we are surfeited with such publications. Every city of any size must now have its magazine, as necessarily as its daily paper. In consequence a flood of periodicals is poured forth over the land, miserably edited, foisting upon the world the crude notions of inexperienced men, and lowering instead of elevating the standard of literary taste. They are made the repository of 'prize tales' and mawkish poetry, and their attraction is heightened by colored plates of fashions or trumpery illustrations. As they make their monthly appearance, newspaper after newspaper heralds their coming with a puff, and aids in extending a circulation which can only prove injurious to the public. It is time that the press should refrain from bemoaning all such trash, and should in their notices of literary periodicals discriminate between the good and the bad."

Among the worst of the magazines of that day he reckoned *Godcy's Lady's Book*, *Sartain's*, and *Graham's*. The *Knickerbocker* he considered only a shade better. "The principal contributors for these publications," he said, "are young gentlemen and ladies who are desirous of seeing their effusions in print; who imagine that to write poetry, it is only necessary that they should rhyme; who have read Byron, Moore, and other modern poets; who are enraptured with Willis and dote upon Morris, and are seized with an attack of inspiration which they spend through the pages of a magazine."

*Harper's*, being then mostly made up of selections from English magazines, was better than the ones above mentioned, but still did not come up to Mr. Storrs' standard. "Where this rule is departed from," he says, "the matter is pretty certain to be bad, as is very well evidenced in the effort of Mr. Abbott to sanctify Napoleon, and the sentimentalisms of Mr. T. Addison Richards. *Harper's* is got up with an especial reference to the dollar; the best articles in it, being stolen, cost nothing, and the wood-cuts and illustrations from *Punch* tend in no slight degree to extend its circulation. The selections are generally made with but little judgment; they are such as we all have read, or have had an opportunity of reading where they originally appeared, and on the whole it is quite surprising that so big a book can be so useless."

He commended *Littell's Living Age* because its selections from other magazines were judiciously made. The best American magazine of that day, according to Mr. Storrs, was *Putnam's Monthly*. "The first number of this really excellent periodical,"

he says, "was cheering to those who had been for so long a time sickened by the stuff so extensively patronized among us, and inspired a hope that something in the magazine department might be produced in our country worthy of the talent that is in it. The result has been gratifying in the extreme. A series of able and well considered articles has appeared in this magazine, establishing beyond a doubt the fact that America is able to sustain a periodical comparing favorably with many of the most respectable of the Scotch and English reviews. The increasing popularity of *Blackwood* and *Putnam* in this country is an unerring indication, not only that a great number of our citizens possess sound literary taste, but also that we have talent among us, which, if properly cultivated and directed, may achieve great and beneficial results in the world of letters."

To the Buffalo *Daily Republic*, May 8, 1857, he contributed an article on "Southern Literature," which is here given in full, not alone because of the ability with which it is written, but also because the literature which it embalms has now become an historical curiosity:

"Notwithstanding all the doubts that had been expressed upon that subject, there *is* a Southern literature. It is a literature differing from any other upon the face of the civilized globe—unquestionably original; formed upon no models now known amongst men; having no traits in common with any other of which we now have knowledge; striving after none of those objects to the attainment of which other kinds of literature are devoted; and based upon none of those ideas which have given character and life to all previous literary productions.

"This Southern literature, so remarkable in all its characteristics, derives its inspiration from the 'peculiar institution' with which the sunny South alone is now blessed; and the cause from which its inspiration is derived determines its character, and is a very correct index of its merits. The institution of slavery is democratic, and therefore Southern literature is democratic. The institution of slavery is conservative, and therefore Southern literature is conservative. The institution of slavery is a *Christian* institution, deriving its sanctions and existence from the Bible, supported and sustained by all pious, good, and devout men, from the Apostle Paul down to the present time, and therefore Southern literature is Christian-like, pious, meek, gentle, and long-suffering. The institution of slavery is a republican institution, and therefore Southern literature is republican, and watches with great care the interests of our government, and strives to its uttermost to spread republican doctrines. The institution of slavery is a law and order institution, and therefore Southern literature respects the law and seeks to preserve order. The institution of slavery is a humanitarian insti-

tution, and therefore Southern literature is humanitarian; sheds barrels of tears over the miseries of a free society; feels dreadfully for the sufferings of the Irish, the Coolies, the pauper population of Europe, English operatives, and in fact for everybody that is not as happy, and fat, and contented as themselves and their slaves.

"What a nice literature! How strange it is that it has so long hid its light under a bushel; what a proof of the perversity of the human intellect, of the obtuseness of our perceptions, that its merits have not been earlier discovered!

"It is to us a source of exceeding great pleasure to be able to lay before our readers the proofs of the correctness of the position which we have taken. Mr. J. D. B. De Bow is the editor of the *Review*, published monthly in New Orleans and Washington, called *De Bow's Review*, adapted primarily to the Southern States of the Union, and which is the principal exponent of Southern sentiment, and the chief channel through which Southern literature publishes itself to an admiring world. The April number is now before us, and abounds with these striking features which we have before mentioned. The article which more particularly attracts our attention is entitled 'The Conservative Principle; or, Social Evils and their Remedies.' The writer is manifestly a very patriotic gentleman. He has, as the editor informs us, 'prepared and published several valuable works, among them a late one, entitled 'Cannibals All, or Slaves without Masters,' which have for their aim a defense of slavery from a higher standpoint.' This patriotic gentleman was, as a matter of course, sorely frightened at the largeness of the Republican vote at the late Presidential election, and in opening his article he says:—'The Republican majority in the House of Representatives, and the large sectional vote obtained by Fremont, are facts which, taken alone, suffice to show that our Union is imperiled. As the danger becomes more imminent, the thoughtful, the prudent, and the patriotic should combine more closely, and redouble their efforts to avert it; for none but the rash, the thoughtless, and the wicked can look with indifference to an event so pregnant with consequences, for weal or woe, not only to Americans, but to all civilized mankind.' Certainly not, and the larger the Republican majority the more imminent is the danger, and thoughtful and prudent and patriotic men ought to combine at once to put a stop to it.

"Having stated the dangers which so closely environ us, we are informed how all these dangers may be averted. 'The slavery principle is common ground, on which conservatives, north and south, may combine, and from which they may assail abolition and socialism, defend and preserve the Union, protect the sanctity of marriage, secure private property, maintain parental authority, and conserve all other institutions.' Probably very many of our readers have a lingering idea that our present system of Government is based upon a broad and great principle, that of human equality; that its purpose was to secure to every one the full and free enjoyment of life, liberty, and property; that its founders regarded self-government as the

surest means by which these results were to be obtained, and that the preservation of the Union formed for these purposes depended upon the complete and thorough recognition of the principle of equal rights, from which its existence was derived. But we have happily reached a much more enlightened position than that occupied by the fathers of the republic. To establish universal freedom upon this continent we must keep millions in bondage. To secure equal rights to all we must deprive an entire class of all rights whatever. To preserve a government formed for the purpose of securing equality of privileges we must unite upon a principle which denies the possible existence of any such equality. The institution of slavery threatens the existence of the Union, and therefore instead of restricting it within its present limits, conservatives should unite to extend and perpetuate it. Among slaves, marriage has no sanctities, property no rights, parents no authority, and therefore the slavery principle is common ground upon which we can all unite in order to protect the sanctity of marriage, secure private property, and maintain parental authority. The institution of slavery is at war with and repugnant to all other civilized institutions, and therefore upon the slavery principle should we all unite 'to conserve all other institutions.'

"Very clear and plain indeed. The logic, to be sure, would not work under Whately, would not pass muster in schools,—it scorns and tramples upon all precedents—in short, it is unqualifiedly original; it is a Southern institution in its very highest manifestation. Very many stupid people will yet unquestionably have their doubts, but with 'the thoughtful, the prudent, and the patriotic,' the old order of things will be entirely reversed, and t-o-p will spell *bottom*."

"Thus much for the logic of Southern literature; and now for its philosophy. Society is of itself the practical assertion that man has property in man. He cannot live alone. By mere force of nature, by intuitive necessity, the strong protect and control the weak, the weak serve and obey the strong; but the property in each case is mutual. The husband is, by nature as well as law, master of wife and children, and bound to provide for, protect and govern them; they are his property, but he is equally theirs. This is the germ and nucleus of all government, and of all property of man in man.' Society has heretofore been considered as a compact, an agreement, by which certain rights or privileges were recognized, certain duties enforced, and as altogether voluntary and mutual in its origin. We do not profess any acquaintance with the law, but we confess being somewhat startled by the doctrine that the wife is the property of the husband. We have never yet heard of an instance of a husband pawning his wife,—mortgaging her,—turning her out as a collateral, or getting a discount on her; but when this philosophy comes to be more generally understood, such instances will no doubt be frequent. But then, the husband is equally the property of his wife. This philosophy would apply remarkably well to African slavery, if the same *reciprocity* existed. It would all work very well indeed if the negro had the same power to sell the master that the master has to sell the negro. The 'germ



and nucleus of our government' has hitherto been understood to be human equality, but Southern literature, with its remarkable keenness, has discovered that it is the principle that 'man has property in man.' We must reconcile ourselves to this doctrine. Wisdom has uttered it; let no man attempt to gainsay it.

"But it must not be understood that the writer of this remarkable article is theoretical merely. The black Republican party is a live, large fact, a stubborn one, and it must be met; and the manner in which it is to be met will recommend itself to every practical mind. 'To meet the issues as now tendered by the black Republicans, conservatives are compelled to maintain that slavery in the abstract is right. Negro slavery is not profitable or useful at the North, and the area and forms of white slavery should not be increased while there is room in the unsettled portions of the earth for free laborers to become proprietors. This is the only common ground on which we can meet,—the only way to save the Union,—to save religion, marriage, property, government,—nay, society itself.' By and by, when we get a little more crowded, white slavery must necessarily be established; but inasmuch as it is, on the whole, rather more agreeable to most men to be proprietors than slaves, the good time will be deferred until government land is taken up. Then the Union will be safe.

"The writer, with his usual sagacity, has discovered that something more than the mere concession to this principle is necessary, and on that head he says: 'But the recognition and adoption of this principle will avail us naught, so long as we continue idle, indifferent, and passive. We must imitate their zeal and activity. Our cause is a better one; our numbers and our means greater. We must meet agitation by counter-agitation; propaganda by counter-propaganda. We must support and establish presses, deliver lectures, and write books and essays, to sustain the cause of government against anarchy, of religion against infidelity, of private property against agrarianism, and of female virtue and Christian marriage against free love. We must invoke the strong, all-pervading arm of Christian common law which our ancestry brought from England.' The South has already built large cities, established flourishing commercial sea-ports, built railroads, and diffused general intelligence by *resolutions*; and it will, no doubt, find it very easy to establish and support presses in the same way.

"Thus far we have had the statement of the dangers which imperil the Union, the theory of the true government, and the practical application of the theory; and it only now remains to state the results, which, it will be seen, are truly magnificent. 'In vindicating negro slavery as one of the established institutions of the country, and in aiding to perpetuate it, and extend it into new territories, you will strengthen the Union and add prosperity to the North. Slavery has ever been in reality the strongest, almost the only bond of union between North and South. It begets diversity of pursuits and of products, supplies markets, supports trade and manufactures, occasions mutuality of dependence, and prevents undue rivalry and competition between the two sections. In its absence our pursuits and products would be similar, trade and intercourse would cease, the one would furnish

no market to the other section, competition and rivalries would arise, and a useless and cumbrous Union would soon be dissolved. Slavery makes Europe dependent on us. We help greatly to feed and clothe her, and to sustain her commerce and manufactures. Blot out negro slavery, and you arrest the trade of the world, take away men's breakfast and supper, reduce their dinners, and strip them of half their clothing.' Heretofore, we have ascribed much of the material prosperity of our country to the dignity of free labor. We know what it has accomplished. We know that it has surmounted every obstacle; that it has subdued the elements themselves; that the sterile and unproductive soil of New England, by it, has become rich and fertile; that it has built cities, felled forests, established schools, and created a commerce the sails of which whiten every sea, the fibres of which are interlaced with the fate of kingdoms. We know that prosperity and refinement have always attended it; that it has been to us the source of that material and intellectual greatness of which we are so justly proud. We know that it has filled our Territories with thriving and industrious communities; developed their resources; made them rich, prosperous, and powerful. To Southern literature was it left to discover that all these results are as naught; that the system of labor which has impoverished and worn out a soil naturally productive and fruitful, which has suffered grass to grow in the streets of cities, which, with every advantage in its favor, has a commerce puny and weak, which resorts to violence and bloodshed as the arbiter of disputes, which dethrones justice and substitutes the bludgeon and the bowie-knife in its stead—should supersede free labor, be extended into new territories, and degrade and destroy it.

"Certainly, the black Republicans, who vindicate free labor, and wish success to it, are dangerous men. They must be met; and, after the South has established a few more presses, and written a few more books and essays, 'the thoughtful, the prudent, and the patriotic,' North and South, will find this blessed slavery principle common ground, upon which they may all comfortably and happily combine. Peace be with them! There is not a particle of flunkeyism about them! certainly not!"

To the same paper, in March 1857, he contributed a review of the "Life and Times of Lewis Cass," then just published. This article is an excellent specimen of the caustic satire of which he was so great a master. He ridicules the biographer's style in a manner worthy of Macaulay's well known essay on Robert Montgomery. A short extract will suffice here:

"This very remarkable book has been sadly neglected. We do not recollect to have seen any notice whatever relating to it since its publication. Having been published at about the same time as Prescott's 'Philip the Second,' Macaulay's fourth volume of the 'History of England,' and Motley's 'Rise of the Dutch Republic,' it is altogether probable that Mr. Smith's book was lost sight of in consequence of the very general attention which the public bestowed upon these works. Literary justice is prover-

bially tardy in its coming, and the proper appreciation of a writer's merits is frequently postponed to a succeeding generation. This, we are apprehensive, will on the whole be the fate of Mr. Smith.

"Our purpose more particularly is to call attention, first, to the fact that such a book has been really published; and secondly, to a few peculiarities of the author's style. And first, the existence of a book entitled as above is a positive matter of fact, which we can establish to the satisfaction of any doubting individual by the production of the book itself. And now let us listen to what Mr. Smith has to say, and see how he says it.

"Any criticism which we might be disposed to make upon the historical accuracy of the book, any objections which we might be disposed to urge, are foreclosed at the outset by the author himself, who informs us, on the first page of the first chapter,—“The following pages will disclose to the reader a minute and true history of the life and character of an eminent citizen of the American republic.” How much more quiet would pervade the literary world were Mr. Smith's example generally followed. We *know* now, that “The Life and Times of General Cass” is true, because Mr. Smith says so. What a pity that Mr. Macaulay had not made a similar statement in the opening of his “History of England;” what a vast deal of angry discussions and sharp, excited criticism would have been saved thereby! Quaker spirit would not then have been aroused as it has been by his attack on Penn, and Scotchmen would have quietly and meekly submitted to the drubbing which their ancestors have received at his hands.

“In the village of Exeter, in the State of New Hampshire, may be seen a small, unpretending wooden dwelling-house, which has withstood the wear of the elements upwards of three quarters of a century.’ Mr. Theophilus Gilman, in the year 1782, occupied that wooden dwelling-house, and ‘on the ninth day of October, in that year, in this house, Lewis Cass was born!’ Ordinary historians would have said that Lewis Cass was born at Exeter in the State of New Hampshire on the ninth day of October A. D. 1782, but this history is not only true but minute. He was born in a *house*, and that house was not a barn nor a dry goods store, but a dwelling-house; it was small and unpretending, built of wood, and at that time Mr. Theophilus Gilman occupied it; and it is now on exhibition and may be seen at Exeter, New Hampshire, by any individual who will take the trouble to go there.

“Time and space will not permit us to follow the General through the various stages of his military and political career, and as we stated at the outset that our purpose was not to discuss any questions relating to the historical accuracy of the book, but rather to call attention to the peculiar manner in which it is written, we will content ourselves with furnishing a few more quotations sufficiently pointed and peculiar to indicate the general style of the author.

“At page 325, in speaking of the appointment of General Cass as Minister to France, the author indulges in the following happy and suggestive remarks: ‘He was now exchanging primeval solitudes, the haunts of the red man, and of the animals his co-tenants of the forest, whom God had given him for his

support, for the highest state of improvement.' The idea that God gave to General Cass Indians for his support, is, to say the least, somewhat startling.

"At page 368 the author says of General Cass: 'He was in Sidon situated on the sea-coast and in a state of misery and decadence.' Although the General is now in a state of decadence, we had been accustomed to date its commencement from the year 1847. From this, however, it would appear that he had been in a bad way much longer than was generally supposed.

"During his residence at the French Court, General Cass was charged with being a courtier, a charge which the author thus conclusively silences:—'General Cass a courtier! He who had paddled his canoe thousands of miles on the lakes and rivers of the west; he who had worn his hunting shirt in company with the buffalo, cut his piece of venison steak from the rib, and roasted it in the woods!' Mr. Smith is certain to afford information upon every subject which he touches. Not only do we learn here that General Cass was not a courtier, but a new and important fact is developed in natural history. The buffalo, adopting the habits of civilized life, quite as easily and readily as the Indian, with wonderful sagacity had perceived the many conveniences of a hunting shirt, had made it a part of his wardrobe, and wore it in company with General Cass. The Buffalo wore a hunting shirt; General Cass wore a hunting shirt. The buffalo is not a courtier; therefore General Cass is not a courtier. Q. E. D.

"General Cass, after an absence of twelve years, returned home. The author feelingly says: 'Many of his old cherished neighbors and personal friends had gone the way of all flesh; some had removed farther west.' We trust the author will be good enough, in his second edition, to give us the exact geographical location of that country which is 'farther west' than 'the way of all flesh.'

"This book, it must be remembered, is the first attempt of Mr. Smith in this department of literature, and there is no telling what he may accomplish in the future. In conclusion we will add, that if General Cass can stand any further attempts on his life like the present one, he is a much tougher old gentleman than we had supposed him to be."

His most elaborate journalistic effort, at this time, however, was a review of Thomas H. Benton's "Thirty Years in the United States Senate," which appeared in the *Buffalo Daily Republic* of September 17, 1857. In that article he carefully traced the whole history of the slavery agitation, which originated at the South, and ripened finally into open rebellion in 1861. Mr. Benton's account of its inception is brief and pithy.

"The regular inauguration of this slavery agitation," he says, "dates from the year 1835, but it had commenced two years before, and in this way: Nullification and disunion had commenced in 1830 upon complaint against protective tariff. That being put down in 1833, under President Jackson's proclamation and energetic measures, was immediately substi-



tuted by the slavery agitation. Mr. Calhoun, when he went home from Congress, in the spring of that year, told his friends that the South could never be united against the North on the tariff question; that the sugar interest of Louisiana would keep her out, and that the basis of Southern union must be shifted to the slave question. Then all the papers in his interest, and especially one at Washington, dropped tariff agitation and commenced upon slavery; and, in two years, had the agitation ripe for inauguration on the slavery question. And, in tracing this agitation to its present stage, and to comprehend its rationale, it is not to be forgotten that it is a mere continuation of old tariff disunion; and preferred because more available."

The Southern press, inspired by Mr. Calhoun, demanded among other things that the abolitionists should be put down by legislation in all the Northern States. Mr. Storrs reviews in succession the various attempts made by Southern politicians to force the extension of slavery into the Territories, and thus vigorously and impressively sums up the whole agitation and its inevitable consequences:

"In 1835, when the first agitation manifests and calls for a Southern convention, and invocation to unity and concert of action, came forth in the *Charleston Mercury*, the cause of disunion was then in the abolition societies established in some of the free States, and which these States were required to suppress. Then came the abolition petitions presented in Congress; then the mail transmission of incendiary publications; then the abolition of slavery in the District of Columbia; then the abolition of the slave trade between the States; then the exclusion of slavery from Oregon; then the Wilmot proviso; then the admission of California with a free constitution. Each of these in its day was a cause of disunion, to be effected through the instrumentality of a Southern convention, forming a sub-confederacy, in flagrant violation of the Constitution, and effecting the disunion by establishing a commercial non-intercourse with the free States. After twenty years of agitation upon these points, they are all given up. The Constitution and the Union were found to be a mistake from the beginning, an error in their origin, and an impossibility in their future existence, and to be amended into another impossibility, or broken up at once.

"The history of slavery agitation, its origin and its purposes, is full of instruction and warning. An agitation for which the North is not responsible, owing its origin to the South, a patriotic Southerner at an early day saw and regretted. Mr. Madison, in the year 1836, writing upon this subject, charges the inauguration of the slavery agitation to Southern men. 'He,' says Mr. Benton, 'wrote with the pen of inspiration and the heart of a patriot, and with a soul which filled the Union, and could not be imprisoned in one half of it. He was a Southern man; but his Southern home could not blind his mental vision to the origin, design, and conse-



quences of the slavery agitation.' That agitation has at last, we trust, reached its culminating point; the issue which Southern politicians have so long sought to force upon us is at last distinctly and openly before the people. Designing from the outset to make slavery extension the controlling object of our government, or, failing in that, to dissolve the Union, they have been so far successful in their main purpose, through the assistance of Northern votes, secured by their oft repeated cries of disunion, or by holding out to Northern representatives the allurements of office. We have tried the experiment of abandoning the fundamental principles upon which our institutions were established, the teachings of our fathers, and their construction of the constitution; the experiment has been most alarming in its results.

"That compromise which every prominent man in the country but a few years since regarded as sacred, which Democratic Presidents and Democratic party leaders invoked us to preserve and continue, has been sacrificed to a modern, Southern-slavery-extension constitutional construction, and all the evils which were predicted as the result of disturbing that compromise we already experience. Do we need any other or further proof that the purpose of Southern politicians and their abettors at the North is to change the character of our government, and to make slavery extension its leading element? Recognizing at first the right of Congress to legislate upon the question of slavery in the Territories, when the exercise of that right would inure to their benefit, as in the cases of the admission of Missouri and Texas; then denying it, and claiming it for the people of the Territories, as in the case of Oregon; and lastly, denying the right both of Congress and the people of the Territories, when California asked for admission as a free State; these dogmas were but a short time since scouted and ignored by the very men who now sacrifice the peace, the harmony, the existence of the government, in order to establish them. The Democratic party has openly and distinctly adopted the very principle which in 1848 it almost unanimously rejected. The Know-Nothing party in the South adopts as a leading element in its political creed the extreme Calhoun doctrine of no right anywhere to keep slavery out of free territory, and that the Constitution carries it with it and establishes it everywhere.

"Civil war and bloodshed in the Territories; division and alienation of feeling between sister States; threats of disunion; inability of the government to protect its citizens; quarrels and disgrace abroad; these are the legitimate, the natural and necessary results, upon experiment, in adopting Southern constitutional constructions, of our departure from the primary and palpable intent and meaning of the Constitution itself. It is time now to pause, before pursuing still farther this dangerous system of innovations which the Democratic and Know-Nothing parties propose still to follow. By continuing this dangerous system, results still more disastrous must follow. The issue is unmistakable; shall we bring the country back to the old system of policy, under which it so long prospered, which gave it its strength at home and its dignity and character abroad, or shall we incorporate into it the doctrine of slavery propagandism, which must result in its overthrow?"

"These are solemn questions ; let every man put them to himself. He will see at once that the present Republican party is eminently conservative ; that it reposes on those great principles which the fathers of the republic cherished, under which the country prospered ; that it construes the Constitution to operate nationalizing freedom, and conferring the power upon Congress to do it. The storm which this modern policy has raised is already beyond the control of its authors. The fire which they have so recklessly kindled will consume them. "They have sown the wind ; they will reap the whirlwind."

## CHAPTER IV.

### THE KANSAS TROUBLES.

1858.

MR. STORRS' FIRST POLITICAL SPEECH, DELIVERED IN CATTARAUGUS COUNTY, NEW YORK—AN EFFORT WORTHY OF HIS BEST DAYS—THE KANSAS QUESTION DISCUSSED—PRESIDENT BUCHANAN'S MESSAGE--THE DRIFT OF THE DEMOCRACY—TRUCKLING TO THE SOUTH—MR. STORRS PREDICTS HOW IT WILL END.

“**I** HAVE always been a Republican,” said Mr. Storrs in a speech delivered in Horticultural Hall, Philadelphia, in the fall of 1880. “The Lord was very good to me, and postponed my birth so late that I had never had occasion to vote the Democratic ticket. I voted first for John C. Fremont. I kept straight at it ever since, voting the Republican ticket.”

Two years after he cast his first vote, for the first candidate put in nomination by the newly formed Republican party, Mr. Storrs, addressed a mass meeting at Ellicottsville, Cattaraugus County, New York State, October 19, 1858, in behalf of the Republican candidates at the State election. In that speech he reviewed the questions at issue between Republicans and Democrats, which finally culminated in open war, and particularly the dispute on the admission of Kansas as a State under Buchanan's administration, which at that time was agitating the whole country. Those who have heard Mr. Storrs' campaign speeches in his later years only, will be surprised to find that even while yet a young man, having only recently attained his legal majority, his first political address of which there is any record is characterized by the same maturity of thought, the same clear logic, and the same pointed wit that marked the best efforts of his later life.

The germ of all true patriotism is love of home and the place of birth. Mr. Storrs was always attached to his home in Cattaraugus County, and proud to boast of belonging to it; and Cattaraugus County was always proud of him, watched with parental interest his career, and rejoiced over each of his legal and political triumphs. At the outset, Mr. Storrs said:

"It is always to me a source of peculiar pleasure to meet the citizens of the County of Cattaraugus; but it is particularly so on an occasion like the present, when we are come together to discuss those political issues upon the proper determination of which the present prosperity and future greatness of the State and Nation depend. Wherever my residence may be, Cattaraugus will always be home; and I have watched, and shall continue to watch with eager and delighted interest, its career of advancing prosperity. I have lived long enough to see great changes worked in our good old County. I have seen vast inroads made upon its magnificent forests, and fields of waving grain and cultivated farms where once the maple and the pine, standing like tall sentinels, shut out the sunshine from the soil—its clear and swift-running streams now turning the wheels of busy machinery—the locomotive whirling along the iron track the long and heavy-freighted train—its academies and common schools second to none in the State—the Genesee Valley canal, so long deferred, affording cheap and easy transit for its products to the great commercial emporium, nearly completed,—and its free and intelligent men asserting the supremacy of right over all party and political ties, and carrying high and waving proudly before them the banner of Republicanism. For all these evidences of material and physical thrift and prosperity, as a son of Cattaraugus, I have every reason to be proud of my old home; but I am more particularly so when I remember that in the glorious contest of 1856, in the rushing tide of free and enlightened sentiment which swept through it, the Democratic party was drifted high and dry on the bleak shores of political defeat and disappointment, and their once proud front dwindled down to a mere squad of postmasters and their deputies.

"Once more we are called together for the discussion of political questions, and soon shall we be called to act upon them. The action which we take should be determined in the same manner we would determine any question of business interest; and in politics as in everything else, we should have a reason for the faith that is in us. Political parties, when, honestly organized, are intended simply to represent and if possible establish and enforce the sentiments upon some particular political topics which its members entertain. It was in this way and for these purposes that our parties were in the early history of the country called into being; the party itself being subsidiary,—simply a means to an end; the machinery, so to speak, by which certain results were to be attained. A party, properly so called, no more consists in its name than a man in his pantaloons. If upon the question of a re-charter of the United States Bank I should oppose such re-charter, and should act with a party holding the same views I did upon

that question, this could certainly be no reason why upon another and newer question, raised after the settlement of the former, upon which the same party held directly opposite views to my own, I should act with them also. That would be inconsistency, and the only kind of political inconsistency. Politics in this light becomes a science; something more than a contemptible squabble for power and its emoluments. Voting, too, when the vote represents an idea, is the most dignified and solemn act a freeman can be called upon to perform. A vote, then, is a live thing; and who can doubt that in 1856 every Republican vote cast 'shrieked for freedom'? All we have to do at this election is simply to satisfy ourselves what the issues are which are now presented to us, and what political organization embodies and reflects our sentiments upon them. The questions involved in the present election are State and National. In that order I propose to consider and discuss them with you, candidly, fairly, courteously."

He then discussed the questions of State politics which were uppermost at that time, among them the bill making an appropriation for the enlargement of the Erie canal, which the Republicans supported, but which, on an appeal by the Democrats, was decided by the New York Court of Appeals to be unconstitutional. Turning to national politics, he said:

"Those great issues for which we battled in 1856 are by no means settled or ended, and the result of the present election in this State is to exercise an important influence in their proper determination. It is quite unnecessary, I apprehend, for me to dwell at any length upon the earlier history of the Kansas troubles. Suffice it to say that in the election of 1856, the principle contended for by the Democratic party, and claimed to be a part of the Democratic platform, was 'Popular Sovereignty,' and that, by the prophets of the party at the North, was said to mean the right of the people of Territories acting in their territorial capacity to determine for themselves whether they would or would not have slavery in the Territories. We, as Republicans, claimed that this platform would be differently construed, so as to deprive either the people of the Territories, or Congress, of the right to determine that question. We further claimed that Congress had the right to legislate upon this question, and should exercise the right. The great practical end to be attained was the freedom of Kansas. We were beaten. Popular sovereignty seemed to be the settled policy of the country. It was, at all events, the principle upon which Mr. Buchanan was elected, and all we could then do was to ask that the principle established by his election should be faithfully and fairly carried out. How were we met? First by the dictum of the Supreme Court, placing upon the Constitution the very construction which we as a party claimed would be put upon it, blowing the doctrine of popular sovereignty to atoms, and carrying slavery affirmatively into the Territories. This doctrine, so much at war with the past policy of the country, was forthwith made a test of Democracy. The infamous Lecompton swindle was sought to be



forced upon the people of Kansas. Failing in that, and using the entire power of the government to accomplish the object, the English bill was pushed through, approaching the people of Kansas with a sword in one hand and a purse in the other,—permitting them to come in as a slave State with less than one-half the population required for her admission as a free State. The people of Kansas rejected, with an overwhelming majority, this mercenary and contemptible proposition, and now to-day we stand, this Kansas question no nearer settled than ever, and the victories of 1856 profitless and fruitless, unless followed up by like success in 1858.

“Kansas will probably apply for admission as a State this coming winter, and then comes ‘the tug of war.’ Then is to be settled the final question whether she shall be admitted with her present population as a free State, contrary to the provisions of the English bill.

“Now in view of these facts, who is there so stupid or so blind as to call the Kansas question settled? It is a favorite remark of the Democracy that ‘Kansas is played out,’ when, as you see, the fact is that if settled at all it is settled against us, Kansas to-day being by the action of the Supreme Court a slave Territory. Whether she shall be a free State remains yet to be determined, and until the last act of her admission into the Union with a free constitution is consummated, until this modern Democracy, which has done more to debauch public sentiment upon those great principles upon which the government is established than all other political organizations put together, is overthrown, every Republican who in the least degree relaxes his energy or moderates his zeal is guilty of treason to the cause which he has espoused.

“Mr. Buchanan is kind enough in his message to say that we have had enough of this Kansas business, and that it is high time that it was stopped, and the attention of the people called to more important business. We quite agree with our venerable chief-magistrate. It is high time that the Kansas troubles were stopped. It is high time that the Kansas agitation was ended; but of one thing Mr. Buchanan and his followers may rest well assured, that the Kansas business will not be stopped, the Kansas agitation will not cease, until the causes which have produced it cease also. When gentlemen undertake to sow wind, they may safely calculate to reap a tolerably large crop of whirlwind; and when the Kansas troubles and the agitation consequent upon them are ended, Mr. Buchanan and his party will be ended also, and, following the President’s advice, the people will then turn their attention to ‘more important matters.’ One thing is certain, that to the Democratic party the Kansas question has proved a most unfortunate operation—a speculation quite as disastrous as that recorded in the early history of our race, when Adam and Eve went into the fruit business together.

“In the course of the present campaign, how have these new questions been treated by our Democratic friends? Many of you have had the pleasure of listening, this fall, to Mr. Seymour, one of the ablest men in the ranks of the Democratic party in this State. Did he have anything to

say about Lecompton, the English bill, the coming application for the admission of Kansas, or about your State policy? Not at all; he left the subject at the Pyramids. After a fine salutatory to the Atlantic cable, which, by the way, is not running for Governor, and is as difficult to get an answer from as a Democratic politician, he gives a learned definition of the word 'slave,' its aspect under the Romans, and Solomon's opinion about it. Solomon was undoubtedly a wise and worthy gentleman, but we submit that he is not to be taken as authority upon our canal policy or the Kansas question. Would it not be safe for our Democratic friends to come down to later dates? Let them, by all means, venture as far as the discovery of the continent, and in 1860 we will meet them at the landing of the Puritans.

"Gentlemen, I have the profoundest respect for a Democratic Convention. I would as soon think of speaking disrespectfully of the Equator or the North Pole as of a Democratic platform. I know that Democratic Conventions have heretofore done a great many strange and curious things. I know that they are able to do so again. I acknowledge reverently the power of a Democratic resolve. The feats of the India rubber man, of the ground and lofty tumbler, or of the man that swallows the sword, although calculated to excite wonder, are tame and spiritless when compared with the feats accomplished by the Western State Democratic Convention in the year of grace 1858. As proofs, let facts be submitted to a candid world."

Mr. Storrs here read the resolutions in the Democratic platform on the administration, and on Kansas, and added:

"It must be confessed these resolutions open most amiably. Cagger and Richmond are 'content that the American people should judge the administration of James Buchanan by its acts.' With this kind permission, the American people will proceed to do that very thing, and it is to be hoped that Cagger and Richmond are contented with the manner in which that administration has been judged by the people of Pennsylvania, Ohio, Indiana, and Iowa. They, foolish people, have not yet done shrieking for freedom.

"We are further told that the administration of James Buchanan has 'confirmed the faith of the people in the enduring Union of the States.' It has, indeed; for if the people of this country can live through such an administration, any other afflictions they could bear with equanimity and composure.

"Secondly, they resolve 'that the settlement of the Kansas question by the vote of the inhabitants of the Territory has removed that subject from Congress.' We have yet to learn that it is settled. We know that the inhabitants of the Territory, under the Democratic creed, are denied the right of settling it. We know that the subject is only removed from Congress when Congress is not in session, and that next winter it will be promptly on hand to trouble its inventors. A crab was defined by a scientific gentleman to be an animal that walked backwards, turned red when

boiled, and shed its legs in the winter. A French *savant* said that the definition was correct, with three exceptions, namely, the crab did not walk backwards, did not turn red when boiled, and did not shed its legs in the winter. But the coolest portion of the resolve is yet to come, and it proceeds to assert that the settlement of the Kansas question has left the future disposition of its internal affairs to its own people, subject only to the Constitution of the United States. Gentlemen, the dodge, 'subject only to the Constitution of the United States,' we have learned. We were caught there once; that was the fault of the Democratic party. If we are caught again, it will be our fault. Every Democratic platform has a peculiar, distinguishing mark, by which it can everywhere be recognized. There are some men whose business is advertised in their countenances. We can always recognize a quack doctor, a Jew peddler, and a Democratic Member of Assembly at first sight.

"Our Democratic friends seem to derive great consolation from the reflection that they are conservative; but that is not what ails them. 'A great many good people,' said that brilliant and witty English divine, Sydney Smith, 'think they are pious, when they are only bilious. Many a young gentleman turns down his shirt collar, retires from the world in disgust, reposes himself on the banks of some murmuring stream, and thinks that he is a misanthrope and a poet, when his stomach is only out of order. Many a man thinks he is inspired when he is simply dyspeptic, and many a worthy old gentleman puts his hands loftily under his coat tails, spreads out his feet, stands with his back to the fire, and thinks he is a conservative when he is only a flunkey.' We have a large number of these illustrious ghosts, long since politically entombed by the people, whose principal business seems to be that of saving the Union! Every question of interest to them seems bristling with danger. They have any number of medicines and prescriptions for it, they sit up with it nights, preserve it by Union-saving committees, and are constantly on the ground with their glue-pots at Mason and Dixon's line to stick the Union together. Whenever any question having the remotest relation to the institution of slavery is broached, these solemn old doctors are clamorous in their cries of danger to the Union; and when, at the ensuing session of Congress, Kansas shall knock at the door of the confederacy and demand admission as a free State, you will see them running for their medicaments, and their cordials, their paregoric and catnip, their laudanum and pennyroyal; a nigger will be in the question, and the Union in danger!"

His denunciation of the "mugwumps" of those days was as vigorous and scorching as anything he ever uttered about the same class of people in subsequent campaigns.

"Prominent among these so-called conservatives is the sage of Binghamton, the venerable Daniel S. Dickinson. It is, perhaps, unkind, by word or deed, to add to the griefs of Daniel. Thrust without ceremony from the doors of the State Convention, he has strong claims upon our sympathy. He comes to his party in his grief, and says;

'Pity the sorrows of a poor old man,  
 Whose trembling limbs have brought him to your door;  
 His days have dwindled to the shortest span,—  
 Oh, give relief, and Heaven will bless your store!'

"It is all of no avail; he asks for bread, Peter gives him a stone. Mr. Dickinson and men of that class seem to be impressed with the idea that whenever they are driven from political life, all political vitality and advancement cease. They stand waiting on the banks of the stream for the water to run by,—making no more progress than a blind ass in a bark mill. Mr. Dickinson is mistaken. Ever since his retirement to the quiet of his native village, the world has been going right on; the order of nature has not been changed; and I will venture to remark that should Mr. Dickinson never hold office again, the seasons would still come and go in their natural course. We should have snow in February and hot weather in August, and Thanksgiving some time in November, as usual.

"No class of men are more disposed in some respects to follow scriptural injunctions than the conservatives. Let their Southern brethren ask for their coat; they will straightway not only give them that but their hats, vests, and the balance of their wardrobe also. Do they ask for Kansas? Take that, Minnesota, Oregon if possible, and a few other small Territories by way of remembrance. Gentlemen, haven't we had about enough of this spirit of flunkeyism? Isn't it about time for us to be men, true to ourselves, true to those great principles upon which our government is based, and for once let conscience and judgment go together? Be assured that in the long run the right side is the expedient side, and must ultimately triumph. If the experiment of being men does not succeed, we can relapse again into flunkeyism. We have had long experience at it, have given it a fair trial; it has signally and disastrously failed.

His conclusion was prophetic:

"We are asked where we are coming out. That is not a question for us to answer; it is sufficient for us to go in right, and trust in a good Providence to bring us out right. When a man goes in at the wrong gate, it is asking altogether too much of Providence by some special interposition to bring him out at the right. 'I will,' said the Mussulman, 'unloose my camel, and commit him to God.' 'First hitch your camel,' said Mahomet, 'and then commit him to God.'

"The Democratic party seems to have a holy horror of agitation. What other or better way is there for a free people to arrive at correct conclusions on any given subject, than by a full discussion of it? Agitation is as necessary in the political as in the moral or physical world. The darkest periods in this world's history are those in which free discussion was prevented. No great reform has ever yet been effected without it, and it sometimes requires the earthquake to upheave to the surface the ores of truth from under the layers of ignorance and falsehood which had covered them. When the atmosphere in our still and sultry summer days is

charged with malaria and pestilence, the Almighty sends the thunder-storm, and the rain, and the whirlwind, and in the commotion of the elements which follows the air is cleansed and purified, and we can breathe again with safety. If necessary, by such means must our present choked and pestilential political atmosphere be purified; and as a free people, wherever there is a wrong to right, or a great truth to be asserted and advanced, we shall claim and assert the right of the freest discussion.

"Was there ever so pitiable a spectacle as that of the present Democratic party? All the old principles which gave it strength and dignity as a party sacrificed and abandoned, submitting quietly to the dictation of its Executive, believing everything that its Executive believes, and seeing everything that its Executive sees, its followers are as pliant as the facile Polonius, when Hamlet says:—

"Do you see yonder cloud, that is almost in shape of a camel?"

"*Polonius*—'By the mass, and 'tis like a camel indeed.'

"*Hamlet*—'Methinks it is like a weasel.'

"*Polonius*—'It is backed like a weasel.'

"*Hamlet*—'Or like a whale.'

"*Polonius*—'Very like a whale.'

"The Hards and Softs are both fleet in their chase after Executive favor, —the contest very like that between the dog and the fox, when it was neck and neck, neck and neck, if anything, the dog a little ahead. Our principles, gentlemen, are the same they have ever been. The great practical end to be attained is the freedom of Kansas and the overthrow of Democratic policy. Do you ask what influence this State election is to have upon it? Think of the courage which a success in our great State would infuse into the heart of every Republican in the country; and we ourselves will go into the contest in 1860 with drums beating and banners flying, and success made certain.

"The days of Democratic misrule are numbered. From the waving prairies of Iowa to the coal and iron fields of Pennsylvania, the shouts of victory are sweeping over the land. Indiana and Ohio are swelling in grand chorus the glad song of triumph. They have nobly wheeled into the Republican line, and are proudly keeping step to the music of freedom. And New York is unworthy of her high position if she does not drive Lecomptonism from her borders, to the cypress and willow swamps of Carolina. Upon congressional action this Winter depends the freedom of Kansas; and as far as your member of Congress is concerned, his past record is clear, consistent and unflinching in opposition to the extension of slavery. Put in nomination by the soundest men in your county, always having been true to the principles we advocate, honest, faithful, capable, he will receive the vote of every good Republican in the district who desires the success of Republican doctrines. A political party is something more than a debating society. If it proposes to accomplish any practical results, it must have organization, and its candidates must be supported. The only question we as Republicans are to ask is,—Is the candidate honest, capable, and faithful to the principles of the party? This answered



in the affirmative, there is but one course for every true Republican, and that is to give to those candidates a hearty and vigorous support. A Democratic convention is a poor place for a man to get his Republicanism endorsed; and if I desired to travel on the strength of my Republicanism, I should not go to a Democratic convention for my credentials. To you, Republicans of Cattaraugus, do we look for success in the coming contest. The victories of 1856 were but beginnings in the contest to follow. Soon are we to reap the practical results of those victories. Let every man feel that upon himself personally rests the responsibility. There is yet nerve and muscle enough left in the popular arm to shatter the Democracy to atoms; and when at last, one after another, those magnificent Western empires shall take positions in the line of States, joining in the march of advancing civilization, with the song of Freedom on their lips, and its bright star glittering full upon their foreheads, we will join in that grand festival in which the North and the South, the East and the West shall strike hands in a common brotherhood of interests, whose high purpose it shall be to extend all over this vast continent Republican doctrine, and establish upon it, for all time to come, Republican institutions."

## CHAPTER V.

### HUMILIATION AND A NEW LIFE.

THE LAST YEARS AT BUFFALO—A STUMBLE—BEGINS TO RISE AT CHICAGO—  
EARLY PROFESSIONAL STRUGGLES—A SECRET SIDE—WRITING EDITORIALS  
FOR THE CHICAGO PRESS—ENGLISH PHILANTHROPY—"A CHAPTER ON  
BOARDING HOUSES."

DURING the three years immediately succeeding his admission to the bar, the world looked exceedingly bright for Mr Storrs. For a young man, he had suddenly attained a high rank at the Buffalo bar, he was a general social favorite, his oratorical abilities were surely extending his fame, and already his name was beginning to be linked with honorable positions. Unfortunately, he began to live beyond his means, and, as has been the history of many others in this world of deceit, too sudden success, though really merited, encourages a downfall. To gratify the demands of vanity and the caprice of fashion, against his own judgment, he purchased an elegant residence on Delaware Avenue in Buffalo, and removed to it, leaving a very commodious and comfortable house which was better than those occupied by many a millionaire. From this time, until the final collapse which eventually came, he was forced to adopt and maintain a style of living which was far beyond his means. To keep up and hold out, he borrowed money wherever he could, and when this resource failed him, he resorted to other shifts, adopting means at times, not altogether commendable. About this period, however, when he yielded to the temptations, which professional success and general flattery encouraged, to enter upon a course of extravagance, it might be said in extenuation, that he

was counting upon resources other than those which came legitimately from the practice of his profession. He had engaged in real estate speculations in Buffalo, and his expectations from this venture, colored as they were by his fancy, were almost fabulous. Impetus was thus lent to his excessive expenditures and to his prodigality in living. His real estate speculations proved disastrous and he failed to meet his obligations—then came insolvency and a most humiliating fall from his briefly maintained high estate. Unable or unwilling to endure this abrupt termination of his late prosperity, in the early part of 1858, he abandoned Buffalo and went to live in the city of New York. Here without clients, he swung out his shingle and attempted to inaugurate a new career; but he continued to err in his methods. There was no apparent effort on his part to keep his expenses within the limits of his income. The result was, he was unable to sustain himself in New York and he was compelled to leave the city. He went home in the winter of 1859, to Hinsdale, where he had left his family, and very soon thereafter, not more than two weeks, accompanied by his wife and baby son, he turned his face to the growing city of Chicago. His brother-in-law, Mr. John A. Grow, was at the time a practicing lawyer in Chicago; he entered into a partnership with him, and for two or three months lived at the Grow residence, at No. 454 West Jackson street, a dwelling since destroyed by fire. Leaving this home, boarding-house existence was tested. The first Chicago partnership lasted but six months.

The first case in which he appeared after his arrival in Chicago was before the Supreme Court at Ottawa, (*Benedict et al., vs. Prescott et al.*). His next appearance was in the Circuit Court, before Judge Manierre, in two important habeas corpus cases ex rel. Lawslager. These cases were bitterly contested, but he won in all of them.

His unusual legal abilities soon again made him conspicuous in the circle of his duties, but the task of supporting himself and family and of gradually wiping out the cloud of indebtedness, which he had fled from, was the weary one extending through many years. Born and matured in an atmosphere of strictest integrity, sensitive and proud by disposition, he suffered keenest punishment through many of the most active years of his life,

when surrounded by admirers and flatterers, but by slanderers often as well as by loving friends, in an unsupported, silent, and, at times, almost desperate struggle to pay off dollar for dollar, with full interest, those who had suffered by his fanatical speculations during the last years of his residence at Buffalo. He fully succeeded in his task, but, though it consumed years of his life and caused him often to be misunderstood, none but his family, and a very limited inner circle of friends, knew of his "incubus of shame," as he himself once expressed it. In fact, the bitter cup of his life was his sudden and, as he himself once confessed, uncalled-for wrong to himself as well as others, but he never lay bare his wound to an unsympathetic public, preferring rather to be misunderstood. It was only at the rarest intervals, indeed did he ever, after his change of residence to Chicago, allude even in the presence of his family to those early years which opened so promisingly only to be submerged in humiliation. Once he wrote thus to his father:

"I was crazed, I think, for a time thinking in my foolishness that anything could be attained by brains—even impossibilities. \* \* I will make all right in time, if life be granted me \* \* but the world, and that is one of my most sensitive punishments, misunderstands. I should cry out, let him who hath not sinned first cast a stone."

To a sister he once said, "I am tired enough sometimes to die, but I am becoming calloused to uncertain criticism based on mere lack of knowing."

It was, though, only natural that the world should frequently wonder over the anomaly of so gifted a man, known to be earning large fees, who never seemed burdened with surplus funds, and, for that matter, whose general financial standing was not of the best. It is a fact that Mr. Storrs gradually exterminated, and in an honorable way, debts which could have been ignored, because of lapse of time and statutory provisions; but it is also a fact, that though so performing, and though refusing, point-blank to take advantage of bankruptcy laws, he found it almost physically impossible to place the proper valuation upon money which he could earn so easily. He suffered keenly over the consciousness of this weakness, for he was fully cognizant that it injured his influence and power, but, strange as it may seem to so assert, he usually affected to despise great possessions of gold. A rich New Yorker who had been ladening his con-

versation, in a little company, with frequent statements that "Mr. So and So was worth two millions" and "Mr. So and So was worth three millions," apparently realizing no qualification for a man but that of wealth, was effectually silenced by the significant way in which Mr. Storrs said, "I am tired of hearing of mean men."

Professional duties, however, while they steadily devolved more weightily upon him, from the very outstart in the new field, did not prevent the young lawyer from again displaying his natural inclination for appearing in type. It was on the edge of the great Rebellion; a loud element was demanding all over the North that President Lincoln should issue a proclamation declaring the slave free; but Mr. Storrs was of that company of reasoners who advocated that the North should first secure that controlling, overwhelming power to enforce instant acquiescence, which should be co-existent with proclamations. He wrote a series of bitingly sarcastic editorials for the *Chicago Post* upon this demand for an emancipation proclamation at its incipency. One excerpt from a single paragraph in an extended criticism of "Three Measures for Crushing Rebellion," advanced by the *Tribune* in September, 1861, will suffice as a sample of his method of ridiculing that newspaper because of such positions as "calling for a declaration of freedom" and that "such an emancipation means cessation of war." Mr. Storrs wrote:

"While the rebel General Lee is menacing Washington in front of 200,000 armed men—while Cincinnati is in danger, it would be a little difficult to liberate slaves in Mississippi and Georgia. Slaves cannot be liberated by our armies, until our armies succeed in flogging their masters. And so long as our armies are unable to take a step in advance towards Richmond, without being met, overpowered by superior numbers and driven back by rebels in arms, the business of liberating slaves by the military power, will not we venture to suggest, meet with very great success. The *Tribune* sees this. It does not expect that the slaves shall be liberated in that manner, but by the infinitely easier method by which the Dutch Governor Worter Von Twiller beat off the English from New Amsterdam—by which the Mexican generals defeated the invading army lead by General Scott—by which Hunter set the bondsmen free in South Carolina—by which Pope abolished all '*lines of retreat*'—namely, BY PROCLAMATION!! It calls for a *declaration* of freedom, and declares 'that so long as we neglect this most obvious and righteous means of weakening the enemy, *we shall deserve all the calamities that a just God may now and hereafter put upon us.*' Let it be done at once! The time, the *Tribune* says, has come. And when



the President, beleagured as he is at Washington, issues his proclamation declaring all the slaves in Georgia and Mississippi free, you will see the rebel hosts melt away at once, and flee to their homes in hot haste, in order to reach there ahead of the proclamation! Then, let Davis, if he dare, retaliate by issuing a proclamation declaring that all the prisoners in our county jails and state penitentiaries shall be liberated—he will be too late—and *his* proclamation will be jeered and hissed at as a base, miserable invention of the ‘high old original’ proposed by the *Chicago Tribune*!”

In a somewhat loftier tone, Mr. Storrs, in an editorial in the *Post* of Thursday, September 25, 1861, reviewed a meeting of the “Christian men of Chicago,” held at Bryan Hall the Saturday evening previous. The Rev. Dr. Culver took the stand, introduced and read some resolutions, and made a speech in which he said, for instance, “If I had the power as President Lincoln has to free the slaves, I would do it if I died the next moment *and the nation perished*. I would do it, for it would be just. God is on the side of justice, and he who is on God’s side is always right.” Reviewing the purposes of the meeting and the address of Dr. Culver, Mr. Storrs characterized such sentiments as “the love of one’s individual views, rather than a love of country,” and he made a strong comparison in which he portrayed what the patriot preacher of the days of the Pilgrims would have taught:

“The patriot of the ancient order would have told his hearers that although war was a frightful calamity to be visited upon any nation, yet there were greater calamities than war, among which would be the peaceful surrender of national unity and of constitutional government; that one of the highest virtues which the Almighty had placed in the heart of man was love of country, and one of the greatest sins was treason against it; that in the present war is involved not only our national unity and our territorial integrity, but that the success or failure of the experiment of self-government, so nobly commenced upon this continent, and which had already achieved results the most colossal and resplendent in history, would be determined for all time to come; that the sword had never been drawn and blood had never been shed in a holier cause, and that every soldier who died fighting for it died a martyr to a principle as noble and sublime as ever moved the human arm, or lifted up a human heart with courage; that the interests of humanity and of good government everywhere, demanded that such a war should be waged with a united, earnest, self-sacrificing vigor; that all minor questions concerning which men differed, should be buried out of sight; that individual prejudices should be torn from the heart and sacrificed to the one great object—the putting down of armed rebellion; that discord and dissension should cease at home, and

every word or act which might tend to it should be ignored; that the government must at all hazards and at any cost or sacrifice be saved, and the rebellion ended. Thus would the old patriot-preacher have addressed his hearers, and thus would he have urged them on to battle, giving practical point and emphasis to his advice by following it himself. Not so the modern patriot-preacher. No such weakness troubles him. The Rev. Dr. Culver has his private views concerning the negro; his mind is made up as to the cause of the war. Constitutional government, national unity, and the liberties of twenty millions of people, are in his clear and more broadly expanded patriotic vision, as nothing; the oppressed African is everything."

As he wrote thus from time to time, usually editorially, he dwelt in various ways upon every phase of the many war questions; their importance being often local, or, if otherwise, finally adjudicated upon by force of arms and many times discussed as well by pen, to reproduce which in these pages can hardly interest. He treated in quite an original method, however, the pronounced attitude of a certain large class of the English people toward the Union, about date of November 9, this same first year of the Rebellion, in an elaborate article. Heading his article "British Charity" he became humorously venomous as, after a general dissertation, he proceeded to write:

"Sydney Smith once said that an Englishman's idea of charity was this: If A sees B in trouble, he is exceedingly anxious to have C relieve him. A peculiar feature of modern philanthropy, as illustrated by the British humanitarians, is its far-reaching extent. No people are too remote. It circles the globe and ransacks the remotest corners of the earth to find subjects upon which it may be exercised. It possesses that telescopic vision which can see nothing in its immediate vicinity, and can only perceive suffering at vast distances. The tens and hundreds of thousands of starving men and women, cooped up in its own immediate vicinity and thronging the streets of its cities, are not the objects for which British philanthropy seeks; nor do their cries of suffering ever reach the ears of the titled and aristocratic humanitarians who assemble at Exeter Hall to wail in concert over the sins of the unclad Patagonians and the horrors of African slavery.

"For half a century this country has been an especial object of this high-toned charity. The tears that the Duchess of Devonshire and her associates have shed over the sufferings of the oppressed black man on this continent have been sufficient in quantity, if rightly applied, to wash away every sin denounced in the decalogue. Year after year have these amiable and high-toned philanthropists mourned over the sufferings of the negro, and bewailed the enormity of the sin which held him in bondage. The English poet and the painter have at the call of their noble humanitarian patrons, painted and displayed to the world the frightful horrors of African slavery, and denounced the American republic as guilty of the

greatest sin known amongst nations. The institution of slavery, they decided, was a barbarism, and the community which fostered it were barbarians. They sent their missionaries across the seas to convert us from so heinous a sin, and to inaugurate a movement which should result in the liberation of the negro. The British government has year after year lent its assistance to the holy work in which its Dukes and Duchesses were engaged, and has divided the immense weight of its influence between the grand projects of evangelizing the thronging millions of the Indies at the point of the bayonet and the mouth of the cannon, civilizing the Chinese up to an appreciation of the use of opium, and the liberation of the black man on this continent.

"Thousands of our own people caught the contagion of this *noble* example. The grand chorus of lamentation over the sin of slavery which for fifty years has uninterruptedly gone up from Exeter Hall, has been repeated here. The sighs of English nobility have blended with those of our untitled philanthropists. Together have their tears been shed. The irresistible attraction which draws men and women united in the same holy purpose indissolubly together, had united the English humanitarian and the American philanthropist, so strongly that the connection could never be severed.

"The rebellion of the southern states against the government offered a magnificent opportunity for the practical display of this modern English charity. The slave-holding power, instead of being at all intimidated, or converted by the holy zeal of English philanthropists and their co-operators in this country, had yearly increased its demands, exacted concession after concession, until it finally culminated in the division of the Democratic party at Charleston. So far from listening to and heeding the pious exhortations of that type of modern philanthropy, the Duchess of Devonshire, the southern politician insisted that slavery was a divine institution, the very corner stone of civilization.

"To give full emphasis to this idea, the rebellion was inaugurated, and the power of the general government insulted and defied. Of course, in such a struggle, when the slave-holder was arrayed in arms against the government, the philanthropists of this country looked to their brothers in Great Britain for comfort and assistance. Alas, for the vanity of all earthly hopes! They had not long to wait to discover the terrible error into which they had fallen.

"Instead of the old style of lamentation over the sorrows of the oppressed African, English charity assumed a different shape, and broke out in a new spot. A new light has dawned upon the English mind. The injured and chivalric southerner is now the especial object of English pity, and the unholy attempt to coerce him into submission to the government, is the staple of British denunciation. English philanthropy has stuffed its ears with cotton, and can hear no longer the cries of the suffering Congo. It sees not the earnest struggle, the self-sacrificing devotion of a great people to preserve their national integrity, but it professes to see, in its dove-like simplicity, the horrors of a civil war, which it proposes kindly to prevent by an armed intervention in behalf of the slave-holder and rebel. It shudders over the contemplation of servile insurrections which for long

years its has striven to produce. It bewails the prostrate condition of its new allies, whom it once denounced as barbarians. It sends up long exhortations against the horrors of war, while the bleaching bones of thousands of helpless Hindoos, slaughtered by its armies, whiten the soil of a country which it has robbed and devastated."

This chapter, and these selections as illustrations of his writings to the press at this period, can be well closed by an article, which appeared in a Chicago Sunday paper in November of 1861; it is a comically grave treatise on what half of the world—the saddest half, too!—know full well, and which he himself styled "A Chapter on Boarding-houses:"

"Next to the war, the subject of boarding-houses is to the Chicago public of perhaps greater importance than any other. While the rent of an ordinary tenement is five hundred dollars per year, men of limited incomes must of necessity adopt some other mode of living than that of housekeeping. Boarding, then, is not altogether a matter of choice, but in the great majority of instances one of necessity. The subject is therefore one of great importance, and we propose to treat it in that serious manner befitting its gravity and importance.

"It will first be proper to arrive at an understanding of the meaning of the word 'boarding-house.' There is in Webster's dictionary no such word to be found. We find the word 'boarding-school,' but not 'boarding-house.' The verb 'board' is, however, defined thus:—'To furnish with food, or food and lodging for a compensation.' The noun 'house,' in its general sense, is defined thus:—'A building or shed intended or used as a habitation or shelter for animals of any kind, but appropriately a building or edifice for the habitation of man, a dwelling-place, mansion or abode for any of the man species. It may be of any size, and composed of any materials whatever—wood, stone, brick, etc.' We define 'boarding-house,' therefore, thus:—'A dwelling-place, mansion, or abode for any of the human species, where food, or food and lodging, are furnished for a compensation.'

"For the purpose of a more accurate understanding of the subject, we would divide boarding-houses into two classes, viz: The private boarding-house, and the public boarding-house. The difference between the two may be said to consist in the fact that the former is usually built as a private residence, and continues to be occupied as such by the person furnishing the food, or the food and lodging; while the latter partakes more of the character of a hotel,—boards more people than the private boarding-house, and differs from a hotel more particularly in the fact that its guests are permanent occupants, or comparatively so.

"Private boarding-houses are at least of three distinct classes: First, the 'genteel' private boarding-house. Second, the private boarding-house 'just five minutes walk from the post office.' Third, the private boarding-house where a gentleman and his wife or two single gentlemen will be taken, and positively no others, references given and required."



"The gentility of the 'genteel' private boarding-house is not to be found usually in the house, or its location, nor in the food or lodging furnished, nor in any of its appointments or surroundings, but in the persons who keep it, and in the compensation required by them. The industrious searcher after a boarding-house may know when he has found a genteel private boarding-house for himself and family by observing the presence or absence of the following symptoms:

"He will usually find, as he stands upon the threshold of the house he is about to enter, an indented gutta-percha foot-mat, looking, so far as the indentations are concerned, very much like an overdone and over-sized waffle; the bell-knob will be of brass; there will usually be a doorplate. When he rings the bell, he will find that the bell machinery is somewhat disarranged, and after waiting some length of time, a servant will cautiously open the door, and as cautiously permit him to enter. He will inquire whether boarders are taken there. The answer will be evasive, and unsatisfactory, but he will be requested to take a seat in the parlor until Madame is consulted. As the servant disappears in the distance, through the door which she opens to enter her peculiar sphere will come the poignant odors of boiled pork and cabbage. He enters the parlor; finds a piano, and, if it be in the winter season, a fire burning with an apparent doubt as to whether it has a right to burn. The piano will be opened, and on the rack he will observe 'Then you'll remember me,' 'False one, I love thee still,' and the latest two-shilling war ballad. Over the piano he will observe the engraving, in a gilt frame, of 'Shakespeare and his Contemporaries.' Over the mantel will be hung, also in a gilt frame, 'The Village Blacksmith.' On the centre table he will observe a photographic album, and suspended from the chandelier a basket of beads, curiously wrought. He will seat himself in a rocking chair, covered all over with a tidy, and while doing so will have occasion to notice in the back parlor a pale, genteel looking young lady, engaged in working a green dog, with red ears, on a pink ground. All those things he will have plenty of time to discover before Madame arrives. He will wait long and anxiously, and finally will hear the rustling of silks through the hall, and Madame, a lady of mature years in an excellent state of preservation, and elegantly clad, will enter. He will begin to think he has mistaken the place. He will tremblingly and doubtingly make known his business. A long pause will ensue, during which Madame will examine him critically. She will at length ask, 'Who informed him that she kept a boarding-house?' That question answered, she will respond that she does *not* keep a boarding-house, never *did*, and will not until she is obliged to. The gentleman apologizes for his mistake and proceeds to take his departure, when Madame adds that although she does not keep a *boarding-house*, still there are stopping with her, for company's sake, two or three very pleasant families and acquaintances of hers; that she has one delightful room unoccupied, which, under the circumstances, in view of the difficulty of getting good boarding-places, she might be induced to let to a *real* gentleman with a small family, and, for the purpose of accommodating,



she would let it to him. The gentleman, delighted beyond measure at his good fortune, examines the room; and although it is *rather small*, and *rather dark*, and *rather* inconvenient of access, and *rather* too scantily furnished; in view of the very fine society and many home comforts which his family can have,—the parlors always being open—he concludes to take it at a price somewhat higher than he would pay at the Sherman or the Tremont.

“He takes his departure with many bows and smiles, and hastens to the wife of his bosom, to advise her of his extreme good fortune. She maintains a provoking reticence, simply inquiring the age of the hostess, whether she has any daughters, whether there are closets, or a wardrobe, and a place for storing trunks; and prepares to leave. Upon their arrival, they find no closets, no wardrobe, no place for storing trunks; the stove smokes; the door won’t shut; the windows won’t open; but finally they are settled. He hurries to dinner, and Madame, after introducing them to a large number of other boarders, informs him that they all are very fond of boiled dinners, and they have one that day. She again informs him that her boarders are all dyspeptic and eat no pastry, but that, if he desires it, she *has* pastry, which she will get for him especially. At the end of the week he finds many extras on his board bill, for fixing stove and windows, and for closet and store-room. His further experience shows him that the meat is mostly *cold shoulder*, and the gentility, an anxious spirit of investigation on the part of the hostess and the other boarders into his business, its present profits, and its future prospects. He comes home to find his wife wretched and in tears. The lady of the house has pronounced her diamonds paste, her gem of a watch pinchbeck, her gold oroide, and her new silk dresses second-hand. The servant girls plunder his wife’s wardrobe: Madame and her daughters borrow her furs; and finally Madame would like to know whether he couldn’t as well as not advance two or three month’s board. It is the last straw that breaks the camel’s back. He proposes to leave, and goes again up and down streets and avenues, vowing that he will never again enter a ‘genteel’ private boarding-house.

“The boarding-house ‘five minutes walk from the post office,’ he finds to be either in the vicinity of the Bull’s Head, Lake View, or Hyde Park. The boarding-house ‘where positively no other boarders are taken,’ is thronged and overrun with clerks, musicians, soldiers, and dancing-masters. He starts for the public boarding-house, the peculiar features of which I reserve for another time.”

## CHAPTER VI.

### PROFESSIONAL DILIGENCE.

THE HAZARD CASE—AN OUTLINE OF A MODEL SPEECH TO A JURY—HIS EARLY BRIEFS, A MONUMENT OF PROFESSIONAL INDUSTRY—SOME OF HIS WORK.

QUESTIONS relating to the liability of railroad corporations for injuries sustained by individuals, whether passengers or not, by reason of the negligence of those in their employ, are frequently difficult of satisfactory solution, often very embarrassing to courts, and always of grave public importance. The railroad interests of this country have increased with the added days of the last half century. Millions of money are yearly invested in the construction and equipment of railroads, and yearly, also, are the lives of millions of people dependent upon the care and skill with which railroads are managed. Thus while the benefits which enterprises of such magnitude confer upon the country, together with the vast sums of money invested in them, should, on the one hand, admonish courts to exercise proportionate caution lest such capital and its legitimate beneficial achievements be checked, through the establishment of any hastily considered rule governing their liability, at the same time, the public who resort to that method of traveling should be protected with a care equally zealous, and as the slightest negligence by the employes of a railroad may work the most disastrous consequences, it should be unsparingly punished, since in no other way can the public interests be conserved or the safety of individuals be insured.

Regarded from any point of view, the case of Erastus W. Hazard, against the Chicago, Burlington & Quincy Railroad Company was an important one. Mr. Hazard was a lawyer

well and favorably known throughout the State of Illinois. The injury sustained by him was very serious in character and deprived him permanently of the use of a leg. The defendant, the Chicago, Burlington & Quincy Railroad Company, was one of the most important railroad lines in the country, running through a territory of exceeding agricultural richness, connecting the city of Chicago with the Mississippi River at Burlington, in the State of Iowa, and at the city of Quincy in the State of Illinois. The case was tried in the Circuit Court of the city of Chicago, with great ability on both sides. J. Manning and E. Van Buren, prominent at the Northwestern bar of those days, appeared for the plaintiff, and the distinguished railroad legal firm of Walker, Van Arman & Dexter for the railroad company. The facts, briefly, were as follows:

Mr. Hazard took passage upon a freight train, running from Kewanee to Galesburg, only one passenger train being put upon the road daily. Attached to this freight train was a car used for the conveyance of passengers, with cushioned seats, having a door at each end of the car. Mr. Hazard paid the usual fare, and when within a short distance of Galesburg asked the conductor if there would be supper in readiness at the depot. He was told that there would not be at that hour of the night; he then asked the conductor where they were to stop. The conductor said he could not tell, but as the train run very slowly before reaching the regular station, business men made it a custom of getting off the train before it reached that point, and when the train slowed up that he might, if he wished, get off safely. Mr. Hazard then went to the front end of the car and the conductor told him he had better get out of the rear end; he did so, but while still at the door, with one hand holding the side of the door, the train was suddenly jerked, and Mr. Hazard was thrown from the platform, striking in the rear of the car, and his ankle was dislocated and fractured, resulting in the loss of the lower part of his limb. There was no railing, guard, chain, or other protection, on the rear platform.

The case was tried before a jury at a session of the Circuit Court, Knox County, and a verdict rendered for the plaintiff in the sum of eleven thousand dollars. The railroad company appealed from the decision to the Supreme Court, which set aside

the judgment on the ground, chiefly, of excessive damages. It was at this stage of the proceedings, in 1861, that Mr. Storrs was called in, having been retained for the purpose of reviewing the opinion given by Justice Breese from the Supreme Bench of Illinois.

The review prepared by Mr. Storrs was one of the most elaborate, perhaps, ever presented on the subject before such a court; it filled a duodecimo volume of one hundred and fifty-six closely printed pages. In it, were traced the rulings of both English and American judiciaries, from the earliest date, comprehensively yet succinctly, and at the same time, in a polished style such as to make interesting the dry topics of law to the most casual reader. He discussed the care required of a railroad company, both in the construction of its cars and the management of its trains; the degree of care the law demanded of passengers, and the effect of negligence upon both parties; the rules by which the damages sustained are to be measured; the conclusion of the finding of a jury; how far a court can look into the facts themselves, and the various other questions arising under such circumstances. It is to be regretted, for the edification of both the lawyers and the well-informed element of the people, that the masterly argument and review can not be reprinted entire. The result, however, was, that a new trial was granted and heard in October, 1865, in the United States District Court for the Northern District of Illinois, when the jury again gave a large verdict against the railroad in the sum of fifteen thousand dollars. In the second trial Mr. Storrs made the closing argument to the jury. His speech consumed three hours of time. The notes, written in a bold hand, during the progress of the speech of Mr. Van Arman who preceded him, and from which he made his argument, exist entire. They are presented here just as their maker headed and arranged them, and afford a model for the outlining of any like address; rough sketch, as they are, these notes mark luminously the logical workings of the mind of one of the greatest of trial lawyers, and there creeps out from between the condensed lines that singular humor and power of ridicule which Mr. Storrs possessed. The notes were as follows:

## UNITED STATES CIRCUIT COURT.

## NORTHERN DISTRICT OF ILLINOIS.

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ERASTUS W. HAZARD,

vs.

THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY.

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## Memorandum for Argument to the Jury.

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October 25, 1865.

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## I.

The patient attention given by the Jury.

## II.

I have kept my promise made in my opening.

I have proved every fact that I promised to establish.

The defendant has taken precisely the course I told you he would adopt.

## III.

Has Mr. Van Arman established the facts stated in his opening?

He told you that a railroad corporation is a *beneficial* power.

Has he shown it?

That the careless men are almost the only ones who get hurt.

Has he proved it?

That the prejudice against railroads is the result of ignorance.

Has that been proved?

Are railroads beneficent powers and is the prejudice against them the result of ignorance?

Has this road been beneficent to Hazard?



Is it to take a position as one of our charitable institutions?

Is this prejudice the result of *ignorance*?

The outcry made by railroads against the prejudice of jurors.

The Camden & Amboy.

“ N. Y. Central.

“ Penna. “

“ Baltimore & Ohio.

“ Western roads and freights.

The carelessness of life and limb.

Norfolk—Bergen Tunnel. 3000 killed the past year.

The feeling of hostility necessary.

Both counsel for defendant depreciate this feeling.

Walker says he is no orator.

Proves it by a four hours speech.

And that he is no poet.

But deals in nothing but finery.

Van Arman in his simplicity had supposed that no *blame* would be attached to defendant.

Both profess great candor and prove it by the manner in which they discuss the facts.

#### IV.

The general features of the defense.

The swarms of witnesses.

The malignity of the defense.

The savage attacks on the plaintiff.

The spies and informers.

The manufactured experiment.

The evident servility of its employes.

The impudent questions put to our Hannibal witnesses.

The exhibition of moneyed power.

The consequent importance of the case as vindicating the right of trial by jury.

#### V.

The law of the case.

The carrier and the passenger.

*Van Arman's* precipice—No liability if a man falls over—But the owner of the precipice must not jerk it while paying spectators are standing on the brink.

## VI.

The case as made by us.

State it.

Wherein does it differ from theirs and what are the disputed facts?

1. Was it the practice of the defendant to carry passengers on this train?

2. Was the jerking of the train necessary and unavoidable?

3. Is a guard chain or bar useful or necessary for the protection of the passenger?

4. Did the plaintiff proceed to alight from the train at the instance, advice, or suggestion of the Conductor.

The *practice* of the defendant to carry passengers on that train is shown.

1. By Van Arman's admissions in his opening.

2. The Case in the Supreme Court so finds it.

3. The evidence of Garretson.

" " " Morse.

" " " Fitch.

" " " Cutton.

" " " Beardsley.

" " " Marshall Hazard.

" " " Plaintiff.

Contra.

Col. Hammond and Cheney.

Read time Card.

The Jerking.

State the exact question.

1. Steam can be applied gradually, little by little.

2. Brakes applied to prevent slack. Defendants witnesses show this.

3. Not necessary to let on steam at all in this case. Twenty-six out of thirty-two depositions prove it.

4. This exact case has not been put to a single one of defendants witnesses in deposition.

5. Clark, the Engineer, was not sworn about it.

6. The experiment.

7. Garfield, Patch, Birch, Bush, Jarret, and Col. Hammond.

8. The two Experimental trips. Col. Hammond and the Prince of Wales; the last Experiment, including a description of Col. Hammond. The Queen's letter.

The guard chain or bar.

State the real question.

In use on over forty roads, on caboose and way cars.

A question to be determined by our own knowledge.

The defendants testimony on this point exhibits the coercive power of Railroads.

Patch with his feet in the chain.

Hammond with a chain as high as his neck.

Entitled to recover on Bush's statement.

Was Hazard advised &c., to get off at the next crossing?

This is a question of veracity between Bush and Hazard.

Is Bush entitled to credit?

1. He swears that it was not the practice to carry passengers on that train.

This is contradicted by SIX witnesses.

2. That Hazard attempted to get on the train before it stopped.

Contradicted by Garretson circumstantially.

3. That he asked Hazard if he had a ticket.

Contradicted.

4. That there were no other passengers on the train.

Contradicted.

5. That the ticket was endorsed.

Contradicted by Hazard and his former testimony.

6. His statement to the Company.

His date, etc.

7. His first conversation with Hazard.

Read *Sumbard's* deposition.

Record Page 133, 137.

Comment on Van Arman.

Read TAYLOR's deposition.

How this conversation occurred and why Hazard sent for him again.

8. The *second* conversation.

Marshall Hazard's testimony.

9. The probabilities of the case.

Why would Hazard suggest getting off BEFORE getting to the passenger depot *when he knew the train was not going there.*

Bush agrees that he *wanted* to go there and get a supper.

But the fact is, Bush *himself desired to leave the car when he told Hazard to, and started to do so.*

10. Bush's account of Hazard's fall—sum all up.

The attempt to impeach Hazard.

The instruments are

#### PATCH, GOODRICH AND BUNCE.

The vilest product of modern civilization is the *man* gossip and informer.

The business of a scavenger is respectable in comparison.

Railroad corporations have pulled down from the stars great men, but they went down into the mud and grubbed up Patch and Goodrich.

#### PATCH.

1. Who is he?

2. His manner on the stand. The sycophant.

3. His double swear.

4. He testifies as to Hazard's opening.

5. He comes back and testifies for the first time to a conversation at Hazard's house.

6. Contradicted as to the opening by Beardsley and Ford.

7. As to the conversation by all the circumstances.

He must have started very early for Hazard's house.

The defence are ashamed of him and abandon him.

Good Bye, Patch.

#### GOODRICH.

1. Who is he?

2. Ashamed of his position—nervous and twitching.
3. His testimony ; time and plan. His haste to tell Ward.
4. How contradicted?
5. Walker and Van Arman water haul.

Was it candid?

Good bye, Mr. Goodrich.

When we want a conversation carried on thirty feet off, over a six foot wall, and through a twenty-five foot house, we'll send for you.

BUNCE.

Who and what was he?

Read his testimony, Record, p. 117.

It contradicts every thing else, and

Is contradicted by Hazard.

Hazard's self-impeachment.

The solemn change—The large promise and the small performance.

More thunder than rain.

Read Hazard's testimony.

About being nine feet from the door.

Charges made against Hazard.

A miserable wretch.

Hazard's statements false as false can be.

His professional standing turned into ridicule.

Not content with crippling him for life, they seek to blast his good name and blacken his character.

Is not this a power to be dreaded and feared.

They maim him, spy upon him, and ask you to help them.

You are the only shield he has.

*The measure of damages.*

Show the incurable and permanent character of the injury.

Its effect upon general health.



It has incapacitated him for business and destroyed his future.

The extent of his business before the injury.

The growing power of monopolies must be checked.

Van Arman's ridicule of the use of legs to a lawyer.

Van Arman's legs have been of great service to him.

They have carried him rapidly out of many a tight place, have been his best friends, it is unkind in him to speak so poorly of them.

Van Arman says he is low Dutch. His talk, if Dutch at all, is *very low* Dutch.

His friend Doty the thief was a sympathetic man.—Hence thieves are sympathetic men, and sympathetic men are thieves.

In becoming jurors you do not cease to be men.

It is proper that you should sympathize with Hazard's misfortunes and proper that you should punish the author of his misfortunes.

Corporations have no sympathies because they have no souls.

Hence you can't hurt the defendant's *feelings* by giving a heavy verdict against it, because it has no feelings.

Van Arman's sympathies for the defendant would not be greatly excited, for he substantially admits that *he* has no sympathies for *anything*.

The nearest he ever came to being sympathetic was, in having a thief friend who had some sympathy for the sorrows of others.

Better be Doty the thief, in a prison but with some human sympathies about him—than Van Arman at large, confessedly the soulless attorney of a soulless corporation.

Doty would not swop places.

Conclusion.

During the four years in which the Hazard case dragged along it was by no means the sole thing that occupied Mr. Storrs' attention; they were years overflowing with work, and no man ever worked more intensely over the topics in hand than this same man whose brilliant wit and capability were, as is often the case, ascribed to genius. He, himself, always talked of the genius of labor. Frequently he has been known to say, "work is the only progenitor of genius."

Once in a conversation, he was asked how he first began public speaking. The reply was, "I filled myself up and then there was a flow." Frail as he was physically, in the early years of his life he toiled often through all the night. It was his habit to review thoroughly during the nights of his long trials, every line of evidence and law that had been advanced during the day. "I make it a rule of my lawyer's life," he said, "to know all—both law and fact—that can possibly be advanced for and against."

The late Hon. Thomas Hoyne, himself one of the most successful lawyers of the West, related that he had retained Mr. Storrs to assist him in an important case during the year 1864. The hearing had continued several days. It had reached the stage when Mr. Storrs was to present the case before the jury the following morning. Just before the court sat in the morning, Mr. Storrs walked into Mr. Hoyne's office, his face wan and his eyes bleared. "You look as though ill to death," was Mr. Hoyne's greeting.

"On the contrary," was the reply, "I have been arranging the ceremonies for the funeral of the other side. It took me until four o'clock this morning to go through the evidence, and then, on the strength of my wife's good coffee, I prepared my argument."

Mr. Hoyne concluded: "It *was* an argument, too."

If there existed no other evidence of his intense working habits, his early briefs would be a monument in themselves. In the Hazard case, for example, he referred in his law argument to more than two hundred reports, and in his private memoranda every case cited appears carefully digested, with notes indicating the degree of weight each authority carried upon the question at issue. Moreover, it seemed as though he never varied the amount of labor placed upon a matter in which he had been retained in proportion to the sum involved. "I take it," he once remarked, "that each question assigned an attorney embodies some vital principle, and it may be that which is little in money is big with law." Doubtless, he so governed himself as a lawyer. To the world, seeing only the result, he often appeared "a genius," so smoothly, almost flippantly at times, did he deal with law and facts, and he was seldom credited with what he

himself deemed the more creditable, namely, severe work; but the voluminous remains of his legal work of even those earliest years in Buffalo and in Chicago, testify to his enormous capacity, though weak in body, to accomplish Herculean tasks. In the case of the City of Chicago *vs.* one Allen Roberts, heard, in 1859, in the United States Circuit Court for the Northern District of Illinois, he cited and commented, in one brief, from and upon more than two hundred and fifty authorities upon the right and duties of individuals in the use and enjoyment of public highways. On the 16th of September, 1859, Erastus Warner was arrested for gaming on the fair grounds of the United States Agricultural Society, and in a trial before the Hon. George Manierre, it took over three hundred carefully analyzed authorities for Mr. Storrs to present to his Honor a review broad enough, in his judgment, to cover the one point of law really involved in the case. In representing Elliot Anthony, the well-known judge and writer on legal topics, at Chicago, in February, 1860, in an action to recover damages against one R. G. Clendennin, who was sheriff of Whiteside County, and had failed properly to act as such officer under an execution placed in his hands by Judge Anthony, Mr. Storrs presented to the notice of the adjudicating court over two hundred and eighty authorities. At the close of the defense in the Cook County court, of Illinois, 1860, of a thief who claimed that the stolen goods, found in his possession, were placed upon his person when he had been stupefied by drink, the wondering court exclaimed: "Mr. Storrs, by your labor one would think you were defending all the alleged thieves on earth whom you thought innocent." "So I am, your Honor," came the quick response, "in removing the stain of one." He lugged into court, July 29, 1862, nearly four hundred English and American citations, in a question involving the validity to land-title of one Flora N. Mills, the deed of the property not having been recorded before a subsequent purchaser stepped into possession. In 1861, at Milwaukee, in a masterly argument made by Mr. Storrs, on the application, construction, and constitutionality of the homestead exemption laws, of Wisconsin passed in 1858, as to certain rights acquired by creditors under them, he argued broadly from the principles of law that all state legislation impairing the obligation of contracts is unconstitutional and void;

that the obligation of a contract consists in its binding force upon the parties and the rights and duties which arise under it; that the laws in existence at the time of a contract are attached to and form a part of it and contracts are presumed to be made with reference to those laws; that all rights which are secured under a contract are vested in their character, and that no subsequent legislation can deprive the party of rights so secured; that the lien of a judgment is a vested right, and, when once obtained, cannot be impaired; and that any legislation which deprives a party of the remedies existing for the enforcement of a right, renders the right itself useless, and is unconstitutional—and, in support of these various positions he advanced decisions numbering over five hundred. It must be remembered, too, every case cited by him in Court was first carefully digested, usually in writing, before proposed for consideration. No lawyer living ever knew Mr. Storrs to refer to an authority every component part of which he did not seem to be thoroughly familiar with. It was such labor, let it be repeated, that earned his reputation as a great lawyer. He could well be pardoned, then, for writing to his wife, from Chicago, under date of June 19, 1860:

"When hardly 24 years of age, I stood as prominently at the bar as any young man in the State of New York. At that age, from among the ablest men in the State I was selected to represent the interests of the Republican party in a very important portion of that State."

After referring to his early struggles in Chicago, he continues:

"I am intrusted with cases involving large interests, and difficult and intricate questions. I am treated with marked consideration and respect by every Judge upon the bench, and my arguments and suggestions are attentively listened to and most thoroughly considered. Every Judge upon the bench is my active and personal friend; every lawyer very happy to get my opinion, and my business is rapidly increasing. \* \* \* \*

"I am dreaming no dreams of the future, but working hard each day, trusting that, with the present well attended to, the future will be made secure. I am a prouder man to-day than I ever was. I have much more to be proud of. I am proud of my darling wife, who stood by me through those dark and terrible days with a courage which people here had not the capacity or the nobility of heart to understand or appreciate.

"I am proud of that dear wife, who, sorely tried as she has been, has never yet surrendered or given up her faith or devotion in her husband. I am proud of that dear wife, who has offered up so much for me on the altar of that pure and holy affection, and will for it yet reap her reward.

"I am proud of a wife who in the darkened hour has yet seen some brightness in the future, and who has bravely suffered through it all."

In this manner, with this spirit, Emery A. Storrs worked on and upward for years, until the mention of almost any important Western case was but in connection with his name.



## CHAPTER VII.

### OUR NATIONAL FUTURE.

A PATRIOTIC ADDRESS ON THE FOURTH OF JULY, 1864—OUR NATION THE EMBODIED SPIRIT OF THE GREAT MEN WHO HAVE CONTRIBUTED TO ITS GLORY IN THE PAST—A NATION SAVED AT SUCH A COST OF BLOOD AND TREASURE WILL THINK MORE HIGHLY OF ITS PRIVILEGES—POLITICS WILL BE ELEVATED INTO PATRIOTIC STATESMANSHIP—OUR NATIONAL LITERATURE AND HABITS OF THOUGHT.

IN a letter dated May 12, 1879, Mr. Storrs says to a correspondent who had invited him to deliver a Fourth of July address at Monmouth, Illinois :

"I have about made up my mind to celebrate the coming Fourth as a private citizen, and at home. I have delivered an address every Fourth of July since 1855, and am inclined to make this year an exception."

He had certainly well earned his holiday,—one in a quarter of a century. The earliest of his Fourth of July speeches that has been preserved is here given from his own manuscript. It was delivered in Chicago on the fourth recurrence of the national anniversary after the outbreak of the rebellion :—

LADIES AND GENTLEMEN: I purpose to speak to you to-night concerning 'Our National Future.' I purpose so to speak not as a politician, nor as the advocate of any particular *policy*. I speak in the interests of no man, nor set of men ; in behalf of no party, unless it be that great party of the country ; found everywhere and whose adherents nearly one million in number have carried our flag through the storm and roar of an hundred battles, and have bared their breasts in the defense of the best Government the world has ever seen. Our National Future:—What is it to be? Never since Governments existed among men has a mightier question been presented, nor one in which mankind everywhere, to-day and for all time to come, have a deeper interest.

The purpose of a nation is to train men; that nation which trains the best men is the best nation; and that nation, which gives to human thought its largest scope and freest range; which without shackles or hinderances places in every man's hands the implements by which he is to work out his own success; which makes of each individual the architect of his own fortunes, and which limits the range of human thought and human enterprise, only within the boundaries of absolute right and justice; that nation trains the best men and is therefore the best nation.

And so, embodied in this question,—‘What shall be our national future?’—is not merely whether Jefferson Davis shall fail or succeed, whether the boundaries of the United States of America shall by rebellious bayonets be crowded from the Gulf to the very gates of our National Capital; but what is of vastly more consequence than these even, whether the experiment of self-government so magnificently inaugurated upon this continent shall be a final success, gladdening the hearts of good men everywhere through all the ages to come, or whether disastrous defeat shall overtake its champions, and it be pronounced a failure for evermore. For this sublime experiment failing here *does* fail for evermore. And hence it is that in the solution of this mighty question all interests are affected.

Upon the triumph of the National arms depends not only all that we have of material and physical consequence, but disaster to the mighty cause is ruin to all the glorious promises of our ideal future as well. I need, I am sure, on this occasion and in this community indulge in no exhortations to faithfulness to our cause. It has been defended as never cause was defended before. With a zeal loftier and holier than that which fired the hearts of the followers of the hermit to rescue from the profanation of infidel presence the tomb of the Lord, have the millions of this great republic lavished blood and treasure to rescue from the profanation of rebel hand, the sacred depository of human freedom. We fight then for *the Nation*, and this includes not merely the territory which makes up its physical extent, but the idea which is embodied in it. Our nation is not simply thirty-four States, but it is all the glory of our past, all the hope and promise of the future. We are the trustees of this continent not for our own interests alone but for mankind everywhere. We have been fighting now for nearly three years to save this nation, not for the value of its cotton and wheat and corn and manufacturers, but for the value of the hope, the ideas, the aspirations, the tendencies which it embodies and of which it is the Divinely chosen champion. To-day the Nation for whose salvation we are fighting is the embodied spirit of the great departed ones who have contributed to its glory. Our nation is the wise forecast of Washington; the sturdy patriotism of Adams; the earnest philosophic love of equal rights of Jefferson; the clear and penetrating vision of Hamilton; the fiery zeal of Clay; the intellectual grandeur of Webster; the indomitable honesty of purpose of Jackson. Every great man or woman who has ever lived in it and contributed to its growth, has infused the ideas which have constituted that greatness into the national life and thus has each one become a part of the nation.

The Nation which we now fight to save is all the heroic endurance, lofty fortitude, patient, uncomplaining patriotism of the revolutionary fathers. The broad and world embracing enterprise, the marvellous activity, the wonderful progressiveness of their children, knit indissolubly together by that Divine idea of self-government which inspired the fathers through the bloody toils of its creation and which, if faithfully adhered to, will crown with triumphant glory the efforts of their children for its everlasting perpetuation.

This *Nation* then, is, so to speak, the spirit of representative Government made manifest in the flesh of its people. The grand old puritan poet John Milton, who although he saw not with earthly vision, did see with the infinitely clearer perception of an earnest, holy and exalted vision said "Better kill a man than a good book. Who kills a man kills a reasonable creature, God's image, but who kills a good book kills the image of God as it were in the eye." And so I say better that our darlings should all perish in this mighty struggle than that it be not prosecuted to success. They are it is true God's noblest images, but who kills this nation, the embodiment of all these heaven born aspirations, these grand ideas, kills the image of God as it were in the eye. For this Nation is the precious life-blood of all these master-spirits embalmed and treasured up on purpose for a life beyond life. We are here in this mighty north-west from every portion of the country; from every quarter of the globe. The spirit of our institutions, now imperiled, and which we now fight to save, has drawn us hither. We come from the shadows of the old South Church, baptized as it has been in the waters of a religious faith; from the fields of Lexington and Concord where the first shot of a farmer-soldier was fired, a shot which was heard all around the globe; from the grand old Empire State with its long line of noble names and its long list of heroic achievements, with its colossal commerce, the fibres of which intertwine the fate of kingdoms and which stands like the angel of the Apocalypse, one foot resting on the sea and the other upon the land and mistress of both; from the old Keystone, glorified by the greatness of Penn and Franklin, and whose reddened fields at Gettysburg are sanctified by the blood of heroes dying to save the cause, for which Penn and Franklin lived and died before them; from the old world too with its noble traditions and with its noble names are we here as well. All these memories. all these exalted deeds have we brought hither with us, the idea of free government crystalizing them all about. These—these thus fused together; thus working out their colossal results through us on these fruitful plains are our *nation's*, and how worthily that nation has been defended by her north-western sons, history has already recorded. For this nation thus constituted by divine appointment the custodian of the dearest and most priceless interests ever entrusted to a people's keeping are we fighting, and so on a scale commensurate with the mighty issues involved is the warfare waged. Never before has this world seen such awful consequences hanging dependent upon the dread arbitrament of war. Never before has this world seen a continent shaken at one moment as it were from

centre to circumference by the shock and roar of battles waged by countless numbers on either side; campaigns with empires for their theatre, and the red flames of the rebellion lighting up the whole heavens with the intensity of their glow. It is well that the Titanic forces to which this continent has given birth and which it has nurtured, should settle these questions of Titanic proportions. It is well that where the serpent of treason assumes such frightful dimensions, frightful from the great sin of the treason against such a nation, that Herculean strength should be called upon to strangle it. It is well that since so broad and conspicuous a theatre has been assigned upon which to test man's capacity for self-government that when the hour of final trial comes, the trial shall be as broad and conspicuous as the theatre assigned to it, so that the great battle fought and won once, is fought and won forever. Standing as we do to-night upon that narrow isthmus of but two or three days which separates the years that have passed from those years that are to come, it is natural for us to pause and ask of each, What have the coming years in store for us? I speak to you this night the language of exultant hope. Hope for the great nation we love so justly and so much. Hope for our country's future. Hope for ourselves and for our children. And even now, wandering in the thin uncertain light which I take to be the promise of a rapidly approaching and glorious dawn, as with eager eyes, we watch the moving clouds that yet overspread the sky, as we ask of the watchmen stationed upon the watch towers and citadels of the Union, 'Watchman what of the night?' the answer comes back to us, strong and clear, and full of assuring hope 'All is well,' 'All is well,' 'All is well;' and despite our early disasters and defeat, despite the long and wearisome and sometimes almost disheartening delay, despite the gloom that has overspread us, the cause of the Union, the cause of good government everywhere, the cause of an advancing civilization borne on the broad and ample shoulders of its worthy and heroic defenders, and upheld by the strong arms of the stalwart sons of the Northwest, thank God, moves gloriously and nobly on.

"I have then no doubt as to the result of this mighty contest and who can have? I have no doubt but that the power of our Government will assert itself in triumph. I have no doubt but that this the most wicked, hellish and infernal rebellion which has ever blackened the annals of history will be ground to powder. I have no doubt but that our national integrity will be preserved. I have no doubt but that the Union of these States will be restored and that the nation will emerge from the fiery trial through which it has passed brighter and better and stronger than it has ever been before. It would be impossible however, that a conflict mighty as that from which we are now I trust emerging, should not leave its deep and permanent impress upon our future national character. It will give tone to our politics, our literature, and our feelings as a people for ages and ages to come. A nation saved at such a tremendous expenditure of life and treasure, whose title to the claims of nationality is written all over with the blood of heroes, will think more highly of the privileges which it confers than it ever

thought before. Purchased at a price so dear, and rescued from destruction at a cost so fearful, it will be valued accordingly, and preserve through all the future, the name and privilege of an American citizen. Knowing how much they have cost, they will be prized and cherished as they have always deserved to be, but as they have never been. And so it will come to pass, that for the times to come, the *people*, who make this nation's greatness and who served it in its trial, will watch its interests with jealous eyes, and guard its honor with an earnest and a lofty zeal. Then it will come to pass that the mere politician shall no more trifle with its glory, trade away its honor, or sacrifice its interests for the advancement of his selfish ends. While genuine patriotism comes out of the fiery ordeal purified by its trials, the base dross, which clamoring demagogues and politicians have imposed upon the country heretofore, has been utterly consumed. We shall see when this war is ended the demise of flunkeyism. Politics as I think will be lifted from its old close and personal surroundings into the clear, pure, healthy regions of genuine patriotic statesmanship. Our legislation infused with the loftier spirit thus breathed into it will be characterized by a comprehensive breadth, by a national vigor which it has not known for long years past. Keeping steadily before it the great idea upon which the nation is rested, and the complete triumph which it is the purpose of our national existence to achieve, it will faithfully remember, and remembering, earnestly endeavor to execute its high mission to its fullest purpose. We shall all the better understand that fields may be tilled and cities builded and yet a nation not be prosperous nor truly great. We shall well know that the *nation* itself is of infinitely greater value than any special interests however highly we may prize them, since we have learned that the full and perfect employment of all these interests results from our great fundamental national idea, and that when that perishes all else will perish with it. I am not claiming that scoundrelism in politics will cease altogether at the close of the war. So thoroughly chronic have scoundrelism and base selfishness become with some of those who have hitherto disgraced the name of politics by calling themselves politicians, that I fear the disease is altogether ineradicable in them. What I do mean to say is this: that the people have always appreciated the greatness of our nation and its value infinitely better than politicians as a class have done; that had its salvation been entrusted to politicians alone it would have miserably perished the first year of the rebellion; that the loyal hearts and strong arms and earnest will of the people have saved it, and that in the future they will watch the management of our national affairs, and the conduct of our public men with a vigilance so keen as to be a continuing terror to the demagogue and the mere partisan. Straight-forward honesty of purpose in the management of public affairs the people of this country have always appreciated and always rewarded. Still more will they do so in the future. I do not mean to say but that swindlers will yet ask for place, nor that scoundrels will not occasionally steal into office. Hereafter however this will be the exception. Our public men will be inspired by higher motives. The people themselves will realize



"more completely than they have ever done before the value of this Union. There will be greater care exercised in framing laws. And they will be more scrupulously obeyed. These mighty convulsions are as necessary in the moral and political as they are in the material world. When the air is charged with Malaria and pestilence, the Almighty sends the thunder storm, and the rain and the whirlwind. And in the commotion of the elements which follows the air is cleansed and purified, and we can breathe again with safety. And so by the thunders of this war has our political atmosphere been so throbbled and convulsed, that it is vastly cleansed and purified. The patriotic impulses of the people, which here only slumbered thank God in the years past, have been thoroughly awakened by the rude shock of war. And the old fires burn now as brightly as when our fathers through the long and weary years, plucked this jeweled Continent from foreign hands and gave it as a priceless treasure to us, their children, to keep as the Ark of all good government, for all peoples for all time to come.

"Not less marked or decided in character will be the impress which will be left upon our national literature and our habits of thought. The meditations of the philosopher: the dreams of the poet: the fancies of the romancer will all years and years hence be colored by it and draw their inspiration from it. Literature whether it be in the tomes of the philosopher or in the song of the poet, has always, since the world began, drawn its holiest inspiration and its clearest expression from patriotic feelings and impulses. Since the blind old poet sang the contests between Hector and Achilles, down to this very moment that literature which will live, because it is the expression of the human heart wherever it may be, is that which clothes one's country with all the beauties which the lover sees in the mistress whom he adores, and which ranks the heroes of the native land among the good and great of the world.

"The poet is he 'whom the heart of man permanently accepts as a singer of its own hopes, emotions and thoughts, and poetry is that song,' and in what channels are the hopes emotions and thoughts of men more constantly directed than the love of country and of home? Every other emotion of the human heart may perish and die out, but this love of native land will linger still. How its glory becomes our glory; how its pride becomes our pride; how its disasters are made our own. This love of country is one of the loftiest virtues which the Almighty has planted in the human heart, and so treason against it has been considered among the most damning sins. The History of the world teaches us that every great convulsion like that through which we are now passing has given new life and stimulus to intellectual exertion. Such wars as these tear up old formulas by the roots and scatter the fetters which have bound the human mind in special ruts and channels to the winds. The chariot wheels of war break down most mercilessly old barriers; and the thunder of battles, and the bugle blast, summon from the deepest recesses of the human heart its deepest feelings and emotions, and give to them an intensity and vigor of expression which the summer days of peace may never know. Who when

he thinks of this our native land, of its glorious past, so brief yet so marvelously great, with its history thronging with names that have honored human nature and added to the dignity of our common manhood; of its mighty physical resources; of its vast territorial extent; of its sublime present and the promise of its future, but that feels the heart throb with quicker beat; the blood run with swifter course; the feeling of inspiration changing our very nature almost and lifting us far above the dull level of our ordinary thought. And when added to that history of the past, and adding new lustre to the promise of the future is the record of this mighty rebellion crushed; who can doubt, but that the literature of our country, embodying this grand and ennobling experience, will in the years to come grow broader, higher, and weightier,—the expression of a nation which has left behind the period of joyous infancy, and attained through fierce tribulation the dignity and gravity of a noble manhood? I look for all these results, and many more, to the great crisis which our nation is now passing through; and I look to its future with confident hope and expectations.

## CHAPTER VIII.

### LINCOLN'S EMANCIPATION PROCLAMATION.

SPEECH AT SYCAMORE, ILLINOIS, ON PRESIDENT LINCOLN'S EMANCIPATION PROCLAMATION—THE PRESIDENT'S RIGHT TO ISSUE IT UNDER THE CONSTITUTION AND THE LAW OF NATIONS—SUSPENSION OF THE WRIT OF HABEAS CORPUS—ARREST OF MR. VALLANDIGHAM—THE NEGRO AS A SOLDIER.

THE proclamation of President Lincoln, issued in the fall of the second year of the war, that in all such rebellious States as had not returned to their allegiance by the first of January, 1863, the slaves would be declared free, and capable of enlistment into the Union armies, was of course met at the North with a great deal of Copperhead opposition. As, at the outbreak of the rebellion, Mr. Storrs condemned the action of those impulsive fanatics who demanded of Mr. Lincoln the instant liberation of the Southern slaves by proclamation, heedless of the fact that our armies then were in no condition to enforce any such order, but were barely holding their own ground, so now, when the sagacious President had seen that the time was ripe, that the hour had come, and that such a proclamation would be not a mere *brutum fulmen* but a thing possible to be carried into effect with advantage to the Union cause, Mr. Storrs enthusiastically endorsed the President's action, and zealously defended it. He had to defend it on constitutional grounds, for the favorite argument of its Copperhead opponents was that the proclamation, and indeed all the leading measures of the administration, —the suspension of the writ of *habeas corpus* in disaffected localities, the military arrests of Confederate sympathizers at the North, the conscription law, and the use of negroes as soldiers, were all unconstitutional.

A large and enthusiastic mass meeting was held in Chicago to ratify the President's proclamation. The feeling called out by it was intense, and while on the one hand the Copperhead element were furious in their denunciation of it, all loyal men, and especially all Republicans and all the old-time friends of the slave, rejoiced over it as did the Jews over the proclamation of Cyrus. There was not room enough in the hall where the ratification meeting was held to admit all who desired to be present. A committee on resolutions was appointed, of which Mr. Storrs was a member, and his hand is clearly discernible in the resolutions which were adopted. The first certainly was drawn by him. It sets forth that the object for which the war was being prosecuted was the preservation of our national unity and integrity; that to secure that end the President, as Commander-in-Chief, had the rightful power and authority to use all necessary means to strengthen the arms of the government and weaken and disable its enemies; that the meeting recognized the proclamation as a war measure, a means to secure the object for which the war was prosecuted, and as such "alike warranted by the constitution, justified by necessity, recognized by the rules and usages of war, and which, if earnestly supported by the people and enforced by our generals in the field, will result in so weakening the power of the rebellion as to insure the final triumph of our arms and the restoration of the government." The third declared the preservation of the Union to be paramount to all other considerations, and pledged the meeting to support "any and all means, recognized by the rules and usages of war, which may be adopted by the Commander-in-Chief of our army and navy to secure the success of our arms and the overthrow of armed rebellion."

Mr. Storrs made an able speech in support of the resolutions, defending the action of the President on constitutional grounds and by the authority of international law, and closed with an eloquent appeal to young men to stand by the government, and to evince their patriotism by their actions. The report in the local papers was wretchedly inadequate, but the *Tribune* said of it, "His whole speech was an admirable production, and there was frequent applause during its delivery."

He was invited to deliver the same argument over again at

Sycamore, Illinois, which he did in the middle of September, 1863, and this time arrangements had been made for a fair report, which is here given :

"He began by saying that the questions he was about to discuss were among the most important that any people was ever called upon to consider; that these discussions could hardly be classed as political discussions; they were higher, and above politics. When a man whose house is on fire counsels as to the best means of putting the fire out, he would not be discussing politics; neither is the question whether we shall assist the government in the measures it sees fit to adopt for the preservation of its existence. No man should decline to take sides in this controversy; this is no time for neutrality. My purpose in speaking to-night is to furnish some reasons for the faith that is in me, some suggestions why the administration should receive from all parties the fullest, freest, most cordial support. The public should at all times cherish a feeling of confidence in its rulers; especially should we now.

"I stand here to urge reasons why we should have the fullest confidence in *this* administration. I shall discuss from a legal stand-point the leading measures of the administration, which are, the Emancipation Proclamation of the President, the military arrests, the conscription law, and the use of negroes as soldiers; and I propose to prove each of these measures strictly defensible, not from the law of necessity, but on the most strictly logical grounds. Now, it is our duty in times like these to be extremely liberal toward an administration surrounded as ours is by such perils as never before environed a government, yet every one of the acts named may be fearlessly submitted to the most rigid criticism.

"The Emancipation Proclamation, we are told, is unconstitutional; that it does no harm to the south, but divides the north. We are told that the President has violated the constitution, and since he has now changed the object of the war to a war for the destruction of slavery, we should withdraw our support from his administration. It is not possible that any constitution should prescribe all the rules by which a war should be waged. Our constitution has done all that it was possible to do in giving Congress power to declare war and suppress insurrection, and in constituting the President Commander-in-Chief of the army and navy of the nation. But how the war, when once declared, shall be waged,—how invasion shall be repelled, and the means by which insurrection shall be suppressed,—it has not attempted to define, and it would be simply ridiculous to do so. There is, however, a system of laws made by the common consent of nations determining all matters of this character, to which we may refer for an answer to all these questions. I mean the law of nations. The government cannot lay down rules for the waging of war which would be binding upon England, nor can England, by any rules of her own making, bind us. These are questions which the people of no one nation by their organic law are com-



petent to settle, for the obvious reason that wars are waged between different nations. The parties to be affected by these rules are nations; and hence, in making these rules, nations are the contracting parties. Nor can one nation, by its fundamental law, or constitution, assume to itself the right to determine in what manner a civil war shall be waged, or a rebellion, when assuming sufficiently formidable proportions to be called a civil war, shall be suppressed. These are determined as well by the law of nations as the rules which govern independent States in waging war with each other. Vattel declares that when a rebellion assumes such formidable proportions as to make head against the State, then it is a civil war, and both parties are regulated and governed by the same rules which govern independent States at war with each other. The question, then, so far as the proclamation of Emancipation is concerned, is, Is the liberation of the slaves of the enemy a means which the law of nations justifies the government in using? For, if it be justified by the law of nations, then it is constitutional.

"The constitution confers authority to declare war and suppress insurrection. In conferring that power, it also gives by a necessary implication the right to use all those means, recognized by civilized nations, by which war may be waged or insurrection suppressed, and hence the law of nations is as much a part of the constitution as though written in it. That the law of nations is a part of the great body of the common law of this country was declared by the Continental Congress, and is a doctrine which has since received the sanction of no less an authority than Chancellor Kent. Now, Vattel declares that in waging a war we have the right to deprive the enemy of every means which may augment his strength or enable him to make war; and again, that we may use all those means which may tend to weaken the enemy or strengthen ourselves; and the whole doctrine is summed up by him in one sentence,—Right goes hand in hand with necessity and the exigencies of the case. Whatever means, therefore, it is necessary to use, either to weaken the enemy or strengthen ourselves, the government clearly has the right to use. Who, then, is to judge of the necessity? Is it Lincoln, or Vallandigham? Upon the President of the United States, as Commander-in-Chief of the army and navy, devolves the especial duty to protect and defend the Constitution of the United States; as the head of our forces, on him devolves the responsibility of so using them, of furnishing them with such means, of so augmenting their strength, of so weakening the hands of the enemy whom they shall be compelled to meet, that they may be successful in overcoming all resistance to the enforcement of the laws, and all attempts to overthrow the government. It will require no argument to show that he upon whom the responsibility and duty of accomplishing a particular end is devolved is also clothed with full power to select such means as to him may seem necessary to the accomplishment of that end. Plain, however, as this proposition is, we are not left without authority. The Supreme

Court of the United States, as well as many of the most eminent statesmen of our earlier history, have repeatedly declared the rule in substance as I have stated it. The President, then, must have the right to determine whether the liberation of the slaves is one of the necessary means for the successful prosecution of the war. This right, established as well by our own judicial decisions as by the law of nations, must also be regarded as a part of the constitution. Hence, in issuing that proclamation, the President did not suspend the constitution, but called into life its powers against those in arms seeking to overthrow it.

"But can we not see that the means was necessary and proper? Pollard, writing the Southern view of the rebellion, in his history of the first year of the war, concludes by way of encouragement to rebels by saying that thus far the war has proved that the system of slavery has been an element of strength to the South, a faithful ally to their armies; the slave has tilled their fields while his master has fought. It is probable that Mr. Pollard is quite as well advised upon that subject as his Copperhead friends at the North, and understands the subject quite as well as they. If it has, then, been an element of strength to the south, why not weaken or altogether destroy that element of their strength? If the slave has tilled while the master has fought, tilling is as necessary as fighting, and the slave has thereby been made as efficient an enemy to the government as his master; and if we have the right to kill the fighting master, we have the same right to appropriate the services of the equally efficient tilling slave. If the slave has hitherto been a faithful ally to the South, the government surely has the right to break up, if possible, the alliance, and I think to enter into the same alliance itself. Even a Copperhead will probably not deny that if it is constitutional for the South to form an alliance with the slave for the purpose of destroying the government; it is equally competent for the government to form an alliance with the slave for the purpose of saving itself. The Proclamation of Emancipation simply declares that after a certain time therein named, and within certain territory, all slaves shall be free, and that it shall be the duty of the government and its armies to protect them in their freedom. This freedom of the slave is a complete destruction of that element of Southern strength; a complete severance of the alliance between them and the Southern Confederacy. It is a military measure, so declared by the proclamation itself; equivalent to an order to every General in the field to liberate the slave wherever he may be found within the territory named. If it would be constitutional actually to take possession of every slave, thus liberating him and depriving the rebel master of his services, it must surely be constitutional to order it done; in other words, it must be constitutional to attempt to do what it would be constitutional to succeed in doing. If the proclamation would be constitutional provided it could be made completely operative and effectual, the fact that to a certain extent it might be

ineffectual would not make it unconstitutional. In another light, however, is the constitutionality of the proclamation clearly shown. The South has always claimed, and the dictum of the Supreme Court in the Dred Scott case plainly declares, that slaves are *property*. If so, there can be no doubt but that the same right exists in our armies to take it as any other kind or species of property. The right to deprive the enemy of his goods and possessions,—of all those means which in any way enable him to carry on a war,—is well established by the law of nations, and is usually acted upon. If our armies have this right, it is because the rules of civilised warfare accord it to them. The President is Commander-in-Chief of those armies, and his proclamation is simply an order to the armies under his command to do precisely that which all concede, without such order, they would have the right to do. If it be constitutional for our armies, without an express order, to liberate slaves, clearly it could not be unconstitutional to order them so to do. The Constitution has made the President Commander-in-Chief, and in so doing has necessarily clothed him with all the power pertaining to that position. The Constitution creates Judges, and fixes the period of their office; and in thus creating the office it confers all the power pertaining to it. The judicial acts of such an officer within the range of his judicial duties are therefore constitutional, not because the Constitution has especially provided the measure in which those duties shall be discharged, but because in creating the office it has given by a necessary implication the right to the use of all such means as might be necessary to discharge its functions. So, too, in making the President of the United States Commander-in-Chief of the armies, it has given him the power to do all such acts as may be necessary to discharge the duties of that position. As well might it be claimed that the punishment by a Judge of an individual for a contempt of court would be an unconstitutional act, because the power so to punish was not specifically conferred, as to say that the proclamation of emancipation is unconstitutional because the right to issue it is not specifically given. It can hardly be claimed but that if actually in the field the Commander-in-Chief could regulate the operations of our armies and control their movements. His powers are none the less out of the field than in it. All other army officers, of whatever grade, are subordinate to him; and, regarded merely as a military measure, the proclamation of emancipation simply declares that after the expiration of a certain period of time the master shall no longer control or have property in the slave, and it is an order issued by one highest in command that military force shall be exerted to that end.

“It must be remembered in this connection that the government has the right to demand the service of all its subjects for its own preservation. The law of self-preservation, says Vattel, applies as well to nations as to individuals. It is the duty of the government to protect all its citizens in the enjoyment of their rights; it is equally the duty of the citizen to protect the government when its rights or existence are threatened or imperiled. There can be no doubt but that the government could enforce the service of the indentured apprentice, or of any person bound to service for any

period of time. If it have this right, and it cannot be disputed that it has, the length of serving can make no difference with its exercise. It would have the right to draft into the armies men bound to service for ten years as well as those bound for five. It could, therefore, annul a contract requiring service for life, as well as for a certain number of years. In other words, it could declare the relation of master and slave at an end as well as the relation of master and apprentice. To deny the conclusion would be to say that the government is at liberty to annul contracts between its own citizens when the safety of the State demands it but cannot thus affect its enemies under a like emergency.

"But it is also insisted that slavery is a 'domestic institution,' and therefore the President has no more right to interfere with it than he would have to interfere with the institution of marriage. It is said that Jeff. Davis might with as much propriety issue a proclamation declaring all marriage contracts at the North dissolved, as Lincoln could declare by proclamation all slaves free. I fail to see the point or applicability of this illustration. We yet consider every State in the Union as owing allegiance to the general government, and the people of every State as owing obedience to its laws. To compel that allegiance and to secure obedience to those laws, the war is waged on our part. Lincoln is the constitutionally elected and rightful head of the government, and it is his sworn duty to enforce the laws throughout its entire territorial extent. On the other hand, Davis is a usurper. The South, under the Constitution, is compelled to recognise the right of Lincoln as the head of the government; while, on the other hand, the North, and indeed the whole country, are bound to deny and contest the right of Davis to exercise authority over any portion of it. But slavery is quite a different thing, I imagine, from the institution of marriage. I can see, clearly enough, wide differences between the relations of husband and wife and master and slave. The husband cannot sell the wife. He cannot mortgage her. He cannot compel her to work in trenches nor upon fortifications. He has no right of property in, nor any asserted ownership of her, while the master has all these powers over the slave, and claims and uses him as property.

"The value of the slave to the cause of the rebellion rests upon these very facts, and slavery is an element of strength in a military point of view because of the absolute control which the master exercises over the slave.

"The power of the master to control the labor and services of the slave once at an end, the institution, if it may be so called, so far from being an element of strength to the rebellion and an ally to its arms, becomes rather an element of weakness and an open enemy to its treason.

"If slavery is an institution, it is so simply because by the laws or customs of the Southern States the master has the right of property in the negro. This asserted right of property is all there is of slavery as an institution. By the laws of South Carolina the ownership of negroes is as much an institution as the ownership of horses, as by those local laws the rights of the owner are in each case the same. But a difference is made between these two institutions, in that the one is called 'domestic' and the other is not. All that that amounts to is simply this, that the relations between the



negro and his owner are domestic, while those existing between the horse and his owner are not. I cannot see that this fact gives to the owner of the negro any rights superior to those enjoyed by the owner of the horse. If a Southern planter should, for instance, bring his pigs into his house, or keep his horses under the same roof which sheltered his own family, the relations between the planter and his pigs and horses might thereby be sufficiently intimate and familiar to make them domestic; but this government, I apprehend, would have the same right to take and appropriate the horses or the pigs that it would have had they been treated as horses and pigs usually are.

"The right thus to take them, and thereby break up those domestic relations, rests upon the broad ground that they are property, and may be used against the government; and the right is none the less because the property is considered as particularly valuable. In short, if slaves are to be regarded as property, then the right of the government to take them, and the right of the Commander-in-Chief to order them to be taken, are undisputed. If not property, then the South has no right to complain. If the slave is not the property of the master, then the master has no right to his services, and the Commander-in-Chief must clearly have the right to prevent those services being in any way used either to strengthen the hands of the rebellion or to resist the armies of which the Commander-in-Chief is the head.

"Having discussed, as freely as time will permit, the constitutionality of the proclamation, I proceed to consider the objections which have been urged against the rightfulness of military arrests. It is claimed by the opponents of the administration that the President has no constitutional right to suspend the writ of *habeas corpus*, nor has Congress that right, unless the necessity actually exists, and that of the existence of that necessity the Courts have the right, as against Congress, to determine. The right to suspend the writ of *habeas corpus* is derived from that portion of the Constitution which declares that 'the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it.' The precise meaning of this language is that the privilege of the writ of *habeas corpus* may be suspended, when in cases of rebellion or invasion the public safety may require it, but not in any other cases. Two questions here arise, the first of which is,—By whom may the privilege of the writ be suspended? Second,—Who is to determine when the public safety requires its suspension?

"The right of the President to suspend the privilege of the writ is deducible, in my judgment, from the Constitution itself, from the history of the particular clause in question, and from the necessities of the case. Now, it is to be observed that the Constitution does not limit this right to any particular branch of the government. It does not declare that *Congress* shall not suspend the privilege of the writ, and if it did, it would certainly carry with it the idea that no power but Congress could suspend it. That the Convention which framed the Constitution did not intend to limit the right to suspend the privilege of the writ to Congress alone, becomes the more clearly apparent in view of the history of this clause. Mr. Pinckney,



a delegate in that Convention, on the 27th of August, 1787, moved the adoption of the following clause;—‘The privileges and benefits of the writ of *habeas corpus* shall be enjoyed in this government in the most expeditious and ample manner, and shall not be suspended by the legislature except upon the most urgent and pressing occasions,’ etc. This proposition clearly indicated a disposition to limit the right of suspension to Congress alone, and had it passed in that shape it would probably have been so construed. But that the Convention did not intend thus to limit the exercise of this power is evidenced by the fact that the proposition of Mr. Pinckney was not adopted by the Convention, but that Mr. Gouverneur Morris moved instead that ‘the privilege of the writ of *habeas corpus* shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require it.’ This the Convention adopted, and thus it now stands. The whole matter may then be thus summed up: The Convention which framed the Constitution were asked to limit the right of suspending the privilege of the writ of *habeas corpus* to Congress, which they refused to do,—showing clearly that they did not intend to confine the exercise of that power to Congress alone, but to repose it either in Congress or the President, as the exigencies of the case might demand. But it is argued that because this clause is found in that section of the Constitution which is otherwise merely restrictive of the powers of Congress, that therefore this shall be so considered. This is easily answered by the fact that the clause, as it now stands, was proposed by Mr. Morris as a distinct and independent proposition, was adopted as such, and not at the same time with the other portions of the section in which it is embraced. It found its way into that section not by any direct action of the Convention, but was placed there by the ‘committee of style and arrangement.’ And this was the whole duty of that committee. In this particular case, the impropriety of inferring any particular intention of the Convention from the position which the clause now holds is shown by recurring to the journal of the Convention, from which it appears that Mr. Morris made the motion expressly, and so it was adopted by the Convention, as an amendment to the *Judiciary* article. There is nothing, therefore, either in the language of the Constitution itself nor in its contemporary history at all inconsistent with the right of the President of the United States to suspend the privilege of the writ of *habeas corpus*, when in cases of rebellion or invasion the public safety may require it.

“There being, then, no special limitation of the right to suspend the privileges of the writ, it can, I think, be demonstrated that the President as well as Congress must at times have that right. The object to be accomplished is the preservation of the public safety; but at the same time the Constitution particularly declares that the public safety cannot be sufficiently jeopardized except in cases of rebellion or invasion. In no event, therefore, except in cases of rebellion or invasion, can the privilege of the writ be suspended; and not then, unless the public safety may demand it. The time when this power may be exercised is pointed out by the Constitution. The purpose for which it may be thus exercised is also declared. Indeed, the fixing of the time indicates the purposes to be achieved.

"If the doctrine contended for by the opponents of the administration were correct, that Congress alone could suspend the writ, the very purpose and object of this important feature of the Constitution might be defeated. The nation might be convulsed as it now is by a rebellion, or invaded by foreign foes: the public safety might imperatively demand the suspension of the writ of *habeas corpus*; yet Congress might not be in session, and the imperative demands of public safety would remain unanswered. The object to be secured in cases of rebellion or invasion is the public safety. To this end the Constitution has declared that the privilege of the writ may be suspended; and in view of the fact that this suspension, if left to Congress alone, might not be effected at such time as the public safety might require it to be done, it has wisely left undetermined the question as to what particular branch of the government shall exercise this power, leaving that to be solved by the emergencies contemplated by the clause which conferred the power. As representing the military arm of the government,—as being the head of its armies,—and the necessities which call for the suspension of the writ being in most cases of a military character,—it would seem obvious that whenever Congress is not in session the President of the United States must have the power to preserve the public safety in the manner indicated by the Constitution.

"But who is to judge of the necessity which would justify the exercise of this power? The character of the necessity is determined by the constitution; namely, when in cases of rebellion or invasion the public safety may require it. In such cases it is necessary, of course, before the privilege of the writ can be suspended, that rebellion or invasion must exist as a matter of fact; and beyond that, the public safety must be so imperilled as to make the suspension of the writ necessary to its preservation. Now, it would be absurd to insist that the right to suspend the privilege of the writ of *habeas corpus* should be exercised either by Congress or by the President, but that the time when it should be done should be submitted to the judiciary. Clearly enough, in clothing Congress or the President with the right to suspend the privilege of the writ when its suspension becomes necessary for the preservation of the public safety, the right of determining the existence of that necessity must also rest either in Congress or the President. To say that the Supreme Court has a supervisory control over the exercise of this discretion is to deny its existence altogether elsewhere; for if, when the President exercises his discretion as to the necessity, the Courts may supervise it, then it becomes not the President's discretion but the discretion of the Court; and the Constitution would be made to read thus:—'The writ of *habeas corpus* may be suspended by Congress or the President in cases of rebellion or invasion, whenever the Supreme Court shall deem such suspension necessary for the preservation of the public safety.'

"It is alleged, however, that the arrests made by the government have been an unconstitutional interference with the rights of the citizens, and that no such arrests can be made in a community professedly loyal without the process of law. The liberty of speech and the freedom of the press, we

are told, have been invaded and trampled upon without justification or necessity. The arrest of Vallandigham has excited more discussion than any other, and upon that a direct issue has been made with the administration. This arrest is denounced on the ground that Vallandigham was not connected either with the army or navy; that Ohio is a loyal State, and that war does not prevail there; that no military operations were being actively carried on there; and that consequently martial law could not be declared, nor could the laws of war be applied to any of its citizens not actively engaged in the military service. But it is not true that the operations of this war are confined to the immediate territory in which battles are fought and armies are moved. There is war as well in Ohio as in Virginia. Wherever there is any of the slightest opposition to the government in the prosecution of the war, or the slightest assistance rendered to the rebellion in its efforts to overthrow the government, there is war. In some portions of the country, loyalty dominates and controls society. In others, rebellion controls and dominates. There is no place so dark but that some prayer is offered for the success of our cause; there is no place so light but that lurking treason may be found.

"The agencies invoked by this rebellion to its support are multiform. The means which it uses to accomplish success are various. The rebellion demands not only soldiers and cannon, and the ordinary implements of war, but sympathy and argument to support its cause at home, to weaken its enemies, and to give it dignity and support abroad. Whoever aids the rebellion in either of these particulars; whoever, by speech or writing, contributes to the unity of its people, to the weakening of our own, to the undermining of public confidence in our eventual success, to the withholding of troops from the service, to their desertion when once engaged in the service, is as much an enemy to the government and as much at war with it as he who carries arms in his hands. Wherever such a condition of things exists there is insurrection,—there is war. Whoever engages in such an enterprise is an insurgent. All these are the means which the rebellion calls to its aid; these are the elements which it enlists in its behalf; these are the instruments by means of which, as well as by armies, it wages war against the nation. All these helps combine to make up the strength and power of the insurrection; and we, therefore, while at war with the insurrection, are at war with every part of it. Our purpose is to cripple and destroy every element of its strength; to meet and overcome every means which it uses for the furtherance of its designs. If armies are arrayed against the government, we meet and crush them. If the institution of slavery is used against the national life, we meet and crush it. If seditious speech and seditious writing are used to weaken our own strength and encourage and embolden the adversary, we meet and crush that as well. All these agencies are parts of the insurrection, and we are at war with every part of it. Whatever strengthens rebels weakens us; whatever encourages and emboldens them dispirits and disheartens us. Wherever any of these means are used against us, there is insurrection; and wherever there is insurrection there is war. It would be strange indeed if

rebels should have greater rights against the government than the government possesses for its own defence.

"To me it appears that the right of the military power to arrest and punish the citizen depends not upon the place where the alleged offence is committed, but upon the nature of the offence. If Vallandigham, at Dayton, discourages enlistments, encourages desertions, creates disaffection and excites discontent in the army, I can see no good reason why he has not made himself as amenable to military trial and punishment as if the same offence had been committed at Vicksburg or Chattanooga. What difference is there in the nature of the offence and the consequences which flow from it,—between persuading the soldier to desert by arguments addressed to him in his camp and addressed to him from a distance? What difference is there between actually going to the field where military operations are conducted, and enticing the soldier to desert, and remaining at home and accomplishing the same object by writing him letters? Any step taken, any means used which may weaken or tend to weaken the military arm of the government, no matter where that step is taken or those means are used, is an offence against the laws of war, and properly punished by those laws. The laws of war prevail in time of war, and that military power may be exerted to protect and preserve armies is, it seems to me, quite too clear to admit of argument. The Supreme Court of the United States has said that 'if war be actually levied,—that is, if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose—all those who perform any part, however minute or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors.' The right of the President, therefore, to order the arrest of such men as Vallandigham is embraced clearly within the scope of his duties as Commander-in-Chief. Whenever, for the security of the armies in the field, or the preservation of our strength at home, such arrests become necessary, then let them be made. The freedom of speech and of the press are indeed the highest privileges, but when these are used to overthrow the very government under which they are enjoyed, then they cease to be rights, but are wrongs which assume the largest proportions and are fruitful of the most alarming consequences. When Vallandigham roams about the country, seeking by every means to excite popular discontent; to impair and weaken the efficiency of our arms; to discourage enlistments; to encourage desertions; to weaken ourselves and to strengthen the rebellion, he is simply turning against the government the very privileges which he derives from the government. I fail to see that Vallandigham possesses any greater rights to stir up sedition among us here than he would have to work to the same end were he in the rebel States. If Vallandigham should, as a citizen of Virginia, endeavor to weaken our strength by speeches and by publications, no one would doubt the right of the government to stop his speaking whenever it could lay its hands upon him. I cannot understand how it is that he has larger privileges in Ohio than in Virginia. I fail to see that seditious speeches or conduct is any the less an offence when perpetrated in Ohio, which is confessedly loyal, than when perpetrated in South



Carolina, which is confessedly disloyal; and hence I say that in spouting sedition in a loyal community, where converts to such sedition may be made, Vallandigham is as guilty in fact and inflicts greater damage than he would by seditious talk in a disloyal community, where no converts were to be made. The President, as I have already said, is clothed with all the powers of Commander-in-Chief. He may as well meet and overcome resistance to the government here as elsewhere. If such resistance is by speaking or writing, he may overcome that by arresting and punishing the seditious speaker or writer. This is precisely what has been done in the case of Vallandigham. When brought before the court on the writ of *habeas corpus*, the court refused his discharge on the ground that the offence with which he was charged was one against the laws and usages of war, against the military arm of the government, and therefore properly cognizable by military tribunals. By a military tribunal he was tried, convicted, and punished. Of his guilt there can be no doubt. He sought to break up and destroy the army. He voluntarily and vauntingly brought himself in conflict with the military arm of the nation, and he was crushed in the encounter. The military power being employed for the preservation of the nation, and Vallandigham for its destruction, they met as inevitably as the army of Pemberton met that of Grant at Vicksburg, and with like results. If Mr. Vallandigham and his followers do not like the use of military force against them, they had better not array themselves against military force; and whenever they choose to do so, they may be prepared to take the consequences.

"An opposition to the government as bitter and malignant as that which proceeds from any other source is made on the ground of the employment of negroes as soldiers. I am unable to see why it is not infinitely better that the negro should fight for, rather than against us. There certainly can be no legal objection to it, for, if we have the right to deprive the master of the services of the negro, we clearly have as much right to require the services of the negro in our own behalf as we have to command the services of white men. I am not prepared to admit that the negro is relieved from his responsibilities to aid the government because of his color. I know of no provision in the Constitution which declares of what color our armies shall be constituted. There being, then, no legal objection, it becomes a question of policy merely, and to the past history of the nation I appeal for the determination of that question. When I remember that the first blood shed in the revolution was the blood of a negro, Crispus Attucks; that at Bunker Hill negroes fought side by side with white men, and that among the heroes of that day is Peter Salem, the negro; that in Massachusetts, negroes, bond and free, were enlisted in the Continental armies; that Connecticut passed laws for that very purpose, giving, as the reward of such service, freedom to the slave; that Rhode Island sent its negro brigade, which fought under the eyes of Washington and Lafayette, and always with credit; that more negroes were in the service of the country, enlisted from the New England States, than there were white soldiers



from Georgia and South Carolina ; that the legislatures of Maryland, New York, Pennsylvania, and Virginia authorized the enlistment of negroes, bond and free, with the approbation of every general in our armies; that by direction of Congress Henry Laurens went to Georgia and South Carolina, with all the aid which Washington' could render him, to enlist negroes there in the service of the country,—a step made necessary because neither Georgia nor South Carolina had contributed their quota of troops; that of the army of Washington at Monmouth 755 were negroes; that during our last war with Great Britain the services of the negro were again invoked; that one fourth of Perry's force at Lake Erie were negroes; that Jackson enlisted them at New Orleans, promised them their freedom for their services, and faithfully kept his promise good; and when, added to all these teachings of our past history, I remember the services of the slaves at Milliken's Bend, Port Hudson, and Fort Wagner, I prefer to base my judgment as to the expediency and policy of this measure rather upon the records of our history, the teachings of our experience, and the united testimony of the great men and the great events of our national career, than upon the carping criticisms of the mere politicians, or the elegant conservatism of Governor Seymour and 'his friends.' Washington, Jefferson, Adams, Laurens, Greene, Lafayette, Hamilton, Jay, Knox, and Henry, of our revolutionary history,—Jackson, Perry, Scott, and Van Rensselaer, in our more modern history,—judged it wise to use the negro as a soldier, and acted upon that judgment. Seymour, Vallandigham, Voorhees, and Singleton think otherwise. I have no difficulty in making choice as to whom I shall follow. I have already made my choice. I prefer the precedents of our early history, and the teachings of the wise and great men who have made that history glorious, to the sophisms of Seymour and his associates. I shall act upon that preference in the future; and I doubt not that the great mass of the people will also.

## CHAPTER IX.

### A CELEBRATED LIBEL CASE.

1865.

A SOLDIER'S WIDOW COMPLAINS OF OPPRESSION—THE FACTS PUBLISHED IN THE CHICAGO TIMES—THE TIMES SUED FOR LIBEL—MR. STORRS' ARGUMENT FOR THE DEFENSE—A TERRIBLE FLAGELLATION OF THE PLAINTIFF AND HIS WITNESSES—THE CASE ILLUSTRATED BY SCRIPTURE PARABLES—APPEAL TO THE HUMANITY OF THE JURY—THE SUIT WITHDRAWN AT THE CLOSE OF MR. STORRS' SPEECH.

IN 1865 Mr. Storrs was retained for the defense in an action for libel brought by Judge Van H. Higgins against Wilbur F. Storey, proprietor of the *Chicago Times*. The case excited widespread interest, both from the prominent position in the community which the parties occupied, and from the peculiar nature of the facts involved. It brought Mr. Storrs at once to the highest round of popularity and eminence at the Chicago bar, and started him with a well-earned and firmly established reputation upon that brilliant career of professional prosperity which was so suddenly terminated by his premature death. His management of the case for the defense was marked by all the skill and ability which characterized him in greater cases in later times; and his closing argument was such a terrible flagellation of the plaintiff and his witnesses as had never been heard before in a Chicago courtroom.

The suit grew out of the publication in the *Times* of an affidavit made by the widow of a soldier named McMurray, who was killed in one of the earliest battle of the rebellion. In the year 1855, Higgins had sold to Mr. McMurray three houses and lots

for \$4800. He agreed to give him eight years to pay for them. McMurray was a young man and had just been married. The crash of 1857 came and prostrated all business, but McMurray struggled along until he had paid \$1600 in money and \$3500 in improvements on the property. Then the civil war broke out, and Higgins made an arrangement with McMurray by which the latter was to join the army, and apply \$100 a month out of his pay towards the extinction of his debt to Higgins. Mrs. McMurray had strong objections to this proposal; she did not want her husband to go to the war; but her objections were so far overcome by Higgins promising to give her a house and lot in the event of her husband's death, and to give him eight or nine years more to pay in any event, that McMurray did go to the war. His death followed in a short time. His dead body was brought home, and buried in Chicago. In about six weeks afterwards, Higgins commenced a suit to foreclose the contract, in his own court, where he was one of the judges. A decree was rendered against the poor widow, and the property sold, Higgins becoming the purchaser. He sold the certificate of purchase to a Mrs. McDonald, whom he owed. After the expiration of the time of redemption he filed a petition for a writ of possession. Mrs. McMurray opposed the petition by filing counter affidavits showing the facts, and the judge who heard the case denied the petition and refused the writ of possession. The case attracted the attention of Mr. Storey, and the widow's statement, or the substance of it, was published in the *Times*. Judge Higgins thereupon brought suit against Mr. Storey for libel. The defense was the general issue, or a plea of not guilty, and one of justification; that the defendant published the statement with good motives for justifiable ends, and that he had a right to believe that it was true.

The case was tried before Judge Williams in the Circuit Court. The room was crowded throughout the trial; the patriotic feelings aroused by the war lending special interest to this case. Mr. Storrs' closing argument for the defense was delivered on the day after a national Thanksgiving for the success of the Union arms; and every word was listened to with eager and earnest attention. He began as follows:

"The rest which yesterday's intermission afforded us from this very

wearisome and protracted trial, was, I presume, quite as grateful to yourselves as it certainly was to me. It seems eminently fitting and appropriate, after we have spent one day of thanksgiving for the many blessings which the patriotism and sacrifices of our soldiers have secured to us, that we should come together this bright and beautiful morning further to consider and finally to decide a case, the result of which will determine in just what estimation we really and substantially hold these services.

"The custom of an annual thanksgiving is as old as our history, and it is as beautiful as it is old. It is then that families which have long been separated come together under the old roof-tree and the fires of affection are relighted about all our homes. It is then that the old domestic associations are revived, and those better and nobler emotions, which a year's contact with the world may have nearly buried, are again renewed; and I am sure that yesterday, while you were home around your abundant boards, while you had cause for rejoicing in the comforts around you, you did not forget the poor and sorrowing whom we have always with us. Yesterday's thanksgiving was one of a peculiar character, and the reasons for our rejoicings were of a particular and especial nature. We have passed through four years of war, and the dark clouds which have hung over our country for all that time have finally been lifted and riven. Our nation has been saved, and the silken banners of peace are unfurled over all the republic. The Almighty has carried us through the perils of a great rebellion. The great principle of self-government has been vindicated on this continent, and its blessings will be perpetuated for ages to come. It is for these things we felt devout and thankful yesterday, and also to the soldiers who bared their breasts and periled their lives that this nation might be saved. Our rejoicing was not unmixed with pain, for we could not help remembering that there were vacancies in many a family circle, and that many a fireside was wreathed with mourning. We could not help remembering that the sable wreaths of woe shadowed many a home, into which should no more enter the father, the husband, the brother, or the son, who would never more respond to the call for the annual festival of love and affection. And I am sure that in all our Western homes, while we sorrowed with those who thus sorrowed, and while we honored the living brave, we did not forget the glorious dead; I am sure that in our thanksgiving yesterday we did honor to them, and that we will not cease to remember and to honor, for all time to come, those soldiers, and the blessings and the name they have left behind them. And I doubt not that yesterday many of you, and perhaps all of you, thought of the families of those soldiers,—of the soldier's widow, soldier's child, and particular of this woman, and how many claims she had upon our sympathy, upon our kindest regards and our tenderest affection. And you might, perhaps, have drawn two contrasting pictures yesterday; the one showing the plaintiff in his luxurious and well-appointed home with his family all about him in a proper attitude

for devotion and thanksgiving, or in a spacious church, where the subdued light came streaming in through stained windows upon cushioned seats and gilded prayer-book, joining in the exercises appropriate to the day and the occasion, thanking God that such as McMurray had secured to him the blessings of a quiet country and a peaceful home; and, amid the pealing harmonies of the organ, leaving the lofty sanctuary, satisfied that he had violated no statute, and that he had studiously observed all the decorous proprieties of life. On the other hand was this poor, smitten, helpless, childless woman, in an obscure and remote portion of the city. Thanksgiving had no charms for her, because it revived in her the memory of her great loss, and with bowed head and streaming eyes she knelt before God in her lonely room. It was not without hope that she thanked God that her husband had died in a cause so noble, and she only asked that that justice to which she was well entitled from this people and community should be meted out to her, and that her cause should be vindicated by this jury. For it is her cause. The record tells you that Judge Higgins is the plaintiff, and that Storey and Worden are the defendants; but your hearts tell you that this woman is the plaintiff, and that Higgins is the defendant. If a stranger had been in this court while this trial was in progress, and he had never examined the record, could he have come to any other conclusion? The simple question to be decided is whether this woman has been justly treated by this man. These defendants here are merely nominal defendants. They are made defendants because they have espoused the widow's cause, and because they dared to give to the public the facts in her case, and to ask that the public punish the man who has so outrageously wronged her. That is the position that they hold in this case. They represent the widow; and if you say that they are not guilty, but that they have done right in exposing to the eyes of the public the wrongs which that woman has suffered, then you vindicate the cause of the soldier's widow, and you assert the better cause of common humanity and honorable dealings between man and man."

After recapitulating the circumstances out of which the trouble between Mrs. McMurray and Higgins arose, and in which the trouble between Higgins and the *Times* originated, Mr. Storrs said:—

"The substantial facts that we have alleged in our justification are, that Higgins induced McMurray to go to the war under promise of protection to his family; that he agreed to give him eight or nine years in any event to pay for the property; that, in the event of his death, he would secure to his widow one of the houses and lots; that McMurray died, and Higgins, in violation of his promise, soon after commenced a suit in his own court to foreclose the contract, and hastened it to a decree; that Higgins purchased the property under the



decree, the widow having a year in which to redeem; that the widow employed Wilson and Asay as her counsel to take the case to the Supreme Court, and that they were going to take it there, but were prevented from doing so by Higgins agreeing to find a purchaser who would pay \$400 for the right of redemption; that Higgins violated this promise, and a petition for a writ of possession was filed, and argued and refused. These are the facts we have substantially set up in our plea, and the facts we are called upon to investigate.

“Now, one step further, for it will aid us in our investigation if we understand which of these facts are controverted. That Higgins commenced suit in his own court for the foreclosure of the contract and obtained a decree, is proved by the record of the court. It is shown by the bill filed, and by all the proofs in the case, and is not denied here; and therefore we need not trouble ourselves any further about that. That he obtained a decree in his own court is a fact patent in the case to every one. That he purchased the property under that decree is shown by the record, and is not denied. That Wilson and Asay were employed to take the case to the Supreme Court is not denied. That Higgins promised to find a purchaser who would pay \$400 for the right of redemption is proved by Judge Wilson, and is not attempted to be denied. That he violated that promise is also proved by Judge Wilson, and is a fact uncontradicted and uncontradictable by the facts in this case. That the petition for the writ of possession is filed is proved by the writ itself. That it was resisted and denied is proved by the affidavits on file, and by Judge Wilson, and it is not denied. These are the uncontroverted facts.

There are but three facts about which there is any dispute; just three facts. We have sifted the vast volume of chaff out of this case, and now we have got at the heart of it, and can see precisely what is necessary for us to discuss, and what you are called upon to consider. The first controverted fact of any importance in this case,—the first question about which any dispute arises,—is, Did Higgins induce McMurray to go to the war? The second is, Did he promise to be a brother and a protector to his family, and to give her one of the houses and lots in the event of his death, and eight or nine years to pay for them all in any event? And, third; Was this suit hastened to a decree?

These are all the controverted facts in the case. There are no other facts that are disputed, or about which there can be any dispute. Now, then, all three facts which we have set forth in our plea are proved by Mrs. McMurray. It therefore becomes a vital question in that connection, Is she entitled to belief? In the first place, Are the probabilities in favor of the story which she tells? And in the next place, Is there any improbability about the story which she tells? She tells you that, soon after the war broke out, Higgins commenced going to her house; that she saw him there three or four times; that her husband had not made up his mind to go to the war then; that she did not wish him to go, and was persistent in her objection to it; that she feared that she would not be taken care of; that she had a

sick child, and another one was about to be born; and that her husband, anxious to soothe her fears and calm her anxieties, proposed to give her an introduction to Higgins, for the purpose of having added to his efforts the more persuasive eloquence of Judge Higgins; and accordingly, for that purpose, he took his wife down town, and they met Judge Higgins on the street. They talked to him about McMurray going to the war, and she said she did not want her husband to go. Higgins tells her that it will be a very short war, and that there is not going to be much danger; that it will blow over in a little while; that McMurray is about as safe in the army as he is at home, and that if he goes it will enable him to pay off the incumbrances upon the property; and then he says, 'I will be a brother and a protector to you; I will take care of you, if you are not extravagant.' She is soothed, but not altogether satisfied; and, a few days after, they go to Van H. Higgins' house. Mr. McMurray desired that some settlement should be made between him and Higgins, so that he could leave his affairs entirely in safety, and she desired to know first what position it would leave her in. Higgins again tells her that the war is going to be a short one, and he called her attention to the uncertainty of human life and the certainty of death. He says that all must die, and that all may die at any time; that McMurray may die if he stays at home. He says that the war is going to be a short one, and that there is not much danger; that if McMurray goes to the war, he can earn \$120 a month as Captain in the Jackson Guards, and, says he, 'You can give me \$100 a month, and keep \$20 for yourself, and let your wife have the rents, and everything shall be happy. If any accident happens, your wife shall have one of the houses and lots, and if you come back, you shall have eight or nine years more to pay for the property in.' Thus assured, he was satisfied, and he goes to the war. This is her story, and the counsel tell us that this story is not probable. They say it is not natural that Van H. Higgins should have induced this man to go to the war in this way, because there was no trouble in raising soldiers at that time; and Mr. Swett in this connection has spoken to you about the magnificent enthusiasm of the people in 1861. Why, then, forget that we did not say that he induced him to go to the war from motives of patriotism. We have never charged any such thing as that upon him. We could not have proved it. We do not pretend that any mere motives of patriotism induced him to persuade McMurray to go to the war. What was his motive? What are the probabilities of this story? McMurray owed him 'moneys,' and Higgins wanted his pay. He saw that the profession of the law was going to be prostrated, and it has been. He desired McMurray to go to the war and earn \$120 a month, and pay him \$100 of it. That was the arrangement and agreement between the parties, and that was a sufficient motive to animate the plaintiff in this case to induce McMurray to go to the war. What motive had McMurray for going? Do they intend to say that all his motive was that he might pay on his property, and get it clear? Do they intend to claim that Van H. Higgins had all

the patriotism and that McMurray had none? I have no doubt that he was inspired, to a certain extent, by that same spirit of patriotism which animated so many to offer their lives in the defence of their country. He loved his adopted country. But there were his wife and children, and just between them there stood this land contract with Higgins. When he thought of his country he desired to go. When he thought of the condition of his wife and children, he saw that he could not go. That contract loomed up before him in all its great proportions. But when he is told that he could go and leave that, that if he dies his wife shall have a home, and that he shall have more time to pay for it all in any event, that turns the scale, and he concludes that he will go. And upon this fact, there being no contradiction, it must be taken as proved. It is proved from the testimony, and from the inherent probabilities of the case, that Higgins induced McMurray to go to the war.

"Now there is another feature to which I wish to call your attention. We desired to show by the declarations that McMurray made to his wife that these were the determining motives with him; that he had not decided to go until this arrangement was made with Higgins. But we were stopped by the plaintiff. We find no fault with that. But it is curious, if McMurray was animated by some other motive than that which we showed, that, out of the hundreds and almost thousands of friends whom McMurray had in this city, some witness could not have been grubbed up out of the earth to testify to it in the interests of the plaintiff in this case.

"The next question is, Did he promise to give her one of the houses and lots in the event of her husband being killed in the war? I shall not detail the testimony of Mrs. McMurray upon this point, for it is not necessary; for every fact in evidence but sustains and confirms it, and there is nothing improbable or unnatural in the fact to which she swears. This property was sold to McMurray when prices were inflated. He had paid Higgins \$1500, or \$1600 upon the lots, and had expended some \$3500 on improvements. Now, Van H. Higgins could afford to do this. He could afford to give that woman one of the houses and lots in the event of her husband's death, because he would have had \$1600 in money and the improvements on the other two lots. In addition to that, he had productive property instead of unproductive. What improbability is there, then, about the story which this woman tells? Is it so unnatural an affair as to be improbable? Does our every day experience run in such a line as that it affords us no cases where a creditor can give, in a case of this kind, a portion of the property to the widow of his debtor, for which he has been paid, and he to derive the benefits of the improvements which they have placed upon the other portions of the property, because the strict letter of his contract gave him a right to something more? Has it come to this, that our experience furnishes no such examples as that? I trust not. This house was turned around before he left. Mr. McMurray tells Higgins so. He separates it and sets it apart from the others by fences. That marks the character which he affixed to that particular portion. It shows that he understood

what his wife understood, and that they all understood that that part of it was distinct from the rest, and to belong at all events to McMurray's wife if he died.

"They offered to prove in this case that McMurray did make such an agreement with Van H. Higgins; that the widow told Chase that her husband informed her that Van H. Higgins offered to give her this house and lot. And this proof comes from them, that this promise had been made to McMurray, and that the woman so understood it. But let us see what this amounts to. Why is it that they all the while offer to prove these offers of Van H. Higgins to do something equivalent to this promise, and yet deny that any such promise existed? Why do they undertake to deny the promise, and at the same time attempt to prove a performance of the agreement? Every offer of that kind is an absolute admission of this agreement. He offers to show that he offered to give this woman this lot and a life-lease of another lot. Does it not show that she had a right to that lot? And they have carried their offers all the way through; and counsel tell you, and have argued to the court, that Van H. Higgins proposed to give an equivalent! An equivalent for what? Why, for the house and lot he had promised this woman. If a man comes into court and says fairly to the jury, 'True it is that I agreed to give this woman this house and lot, but, when the time came, I could not do it; but I offered her another just as good, I will do the best I can for her,' by the offer he makes he affirms the existence of the original agreement. Do you believe that their case is made of excuses and apologies for not being charitable? No, not at all. They offer in evidence Higgins' financial condition. What for? To show that he was not able to fulfill his agreement; to show that he could not execute his agreement. Every offer of this kind admits this promise. They have endeavored to show that the contract was assigned to Mr. Keenan of New York. Why? For the purpose of showing that he could not deed his house to that woman because he held the assignment. It is another excuse; and so it is excuse after excuse all the way through, from the time the case commenced till the hour it closed, why he did not carry out that agreement. Now the question in this case for you to pass upon is not whether he did the best he could, but whether he made this agreement. But when he says he did the best he could,—that he offered 'equivalents,'—he admits the agreement, and it settles the question in issue for all time to come."

Mr. Storrs then reviewed the foreclosure proceedings, to substantiate the charge that that suit had been 'hastened' to a decree. On that point he said:

"You must remember that this was a suit in chancery. I hope that none of you have ever been so unfortunate as to be complainants or defendants in a chancery suit, but you may all know how tedious and long they are.

The celebrated case of *Jarndyce v. Jarndyce*, which has been reported by Dickens in one of his novels, is an illustration of the slow and wearisome length which characterizes them. Why, in the old country, and in



the older portions of this country, if a man gets involved in a chancery suit, he gives up his life to it and passes it down to his children for generation after generation, and it keeps growing bigger and bigger all the time. It is like the widow's cruise of oil, which was never exhausted. It is like the miraculous loaves and fishes, of which, after feeding multitudes, there was enough left to feed multitudes more. The most self-sustaining, self-supplying, self-supporting, self-procreating institution in this world, is a chancery suit. Generally they last for years upon years, but the plaintiff in this suit tried a chancery suit in about the quickest time, I think, that has ever been witnessed in the annals of chancery practice. It was a suit for the foreclosure of a contract for the purchase of land. It was commenced on the 23d of October, and the service was made in November, just as quick as they could get the officers of the court to do it. They found that they had not defendants enough. Two of them were infants; one of them was born after the suit was commenced, and they make him a defendant and amend the bill, and serve process by leaving at the house. Both die out of the case before its close. Keenan was absent, and they have to make publication for him, according to the requirements of the statute. That is a delay occasioned by the statute.

The moment the time is up, an order for a default is made against him, and then they go right on, and on the 12th of December, 1863, a decree is entered in this case. The parties have changed during the progress of the cause. Two defendants die out of the cause, and one is born in. A large amount of testimony is taken. Did not the plaintiff in this suit hasten that suit to a decree in his own court? And, at the very earliest opportunity, the land was advertised to be sold, and it was sold on the day it was advertised to be. There were none of the usual adjournments of sale, no postponement. It was all bid in by Van H. Higgins, with ten days time to the widow to redeem—ten days in which to pay for this house and lot; ten days' time to pay for that for which this slaughtered hero was to have eight or nine years. Is not the case complete? Do not the facts cover the whole ground of controversy in this case?"

Mr. Storrs next addressed himself to the plaintiff's witnesses, whom he scored unmercifully, one of them in particular, a Mr. Rourke, who had been attorney for the widow in some matters, but now appeared as a witness for the other side.

The methods of the defence were next discussed.

"I come now to another branch of this case, and that is, the discussion of Van H. Higgins personally. It cannot be objected that we indulge in personal observations of this kind. A libel suit is a personal suit. He sets up his character, and says, 'Here it is,—what there is of it; how much is it worth?' If the plaintiff can separate his character from himself, I will talk about his character and not about him; but inasmuch as he has brought them both into court, it devolves upon you and me



and all of us to see what that character is. The manner of defending him has been a most curious one; they have defended him by offers. His humanity has been talked of. He has been charged with oppression of a weak and defenceless woman. They offer to prove that he was a humane gentleman, because he said he was; and, because they cannot violate every rule of evidence in the world, they come whining into court and complain that their case has been cut off in the middle. Why, it has been one of the most funereal entertainments that I have ever witnessed. It reminded me of that description in the olden days of the world, when the daughters of Babylon sat down and wept. They first call a witness to prove a fact; he swears against them; and then they make another offer to prove it, which is ruled out, and the mourners go about the streets bewailing their misfortunes. And now they tell us they will get the verdict of future generations. Gentlemen, I shall be satisfied with the verdict of this generation, with the verdict of this jury. I am living now; I do not expect to live in future generations. Storey is living now; he does not expect to live in future generations, nor does this poor woman. I will make the exchange which the gentlemen wish and propose. I am willing that in future generations they shall try for a verdict; I want one now.

"They find a good deal of fault with the rules of evidence, and they think that they pick out of this justification one or two immaterial facts, utterly without bearing on the question at issue; and they say that, because these have not been literally established, therefore they are entitled to a verdict against us. There was a case tried in New York, in Orleans county, which seems to me to be somewhat of an illustration of their position. A gentleman of a smoky and measly kind of character went to Noah Davis. The client had been charged with stealing hams, and Davis commenced a slander suit for him. After it had been commenced, Davis found out what sort of a man he was, and did not want to try it. When the trial came on he went to Davis' office with a large number of witnesses. Davis asked what they were for. He said, 'They are to prove my character.' 'I do not want them;' said Davis; 'I am going to admit in the opening that you stole shoulders; when they charge you with stealing hams, I am after them.' And so it is in this case. They think that, because she said that her child died on the day this case was set for hearing, and was actually dead, they are entitled to a verdict at your hands. This is a question, not of statutes, not about the ordinances of the city of Chicago; it is a question of ordinary humanity; it is a question as to the estimate in which you, as men, hold transactions of this kind. The question is, whether Van H. Higgins has treated this woman justly or unjustly, not by the statute of frauds; not by ordinances of the city of Chicago; not by any statute at law; but by the great higher law that resides in the consciences of men, that is older than constitutions, and will live when all constitutions have failed; that was born when the earth was created in its infant sleep, and will live until the latest syllable of recorded time; a law which no man can mistake, and which the Saviour of the world, more than eighteen hun-

dred years ago, died to vindicate,—the law that we should ‘love one another’ and be just to one another. Has Van H. Higgins treated this woman humanely, or has he oppressed her?

“And now, who is the woman? When she was upon the stand and told you she was about thirty-two years of age, were you not astonished at the statement? When you saw the woman herself,—that haggard face, the deep lines that sorrow and trouble had plowed in it,—did you not see in her an object that the heart of a man might well pity, and for which it might well bleed? Has that poor woman, more than 4,000 miles away from kindred and home, her husband martyred and in his grave, her little children in their long homes,—has that poor woman, friendless, weak, defenceless, houseless and alone, been treated as she ought to be? It is a question of the great humanities which shall live for ever; it is a question which appeals to the human heart, which beats for ever, when it is right, against oppression and inhumanity and injustice.

“Let us open again the sickening records of this tale. It is the saddest tale that was ever written. Her husband died. A short time after his death, this man, who was to be the brother and protector of this woman, called upon her in the agony of her grief and demanded the possession of the property which belonged to her; and she implored him by everything that is most sacred, by her husband in his grave, by her child dying in her arms, by every consideration which would naturally touch the heart of a man and melt it into pity, if it were not of stone, to be kind to her. He was not. He filed his bill in his own court on the 22d of October, 1861. The sods had not sunken upon her husband’s grave, the headstones were not raised above the graves of her children, her heart was yet in the midnight blackness of its desolation, when this ‘brother’ and this ‘protector,’ instead of being the minister of pity, instead of sending kindly words of sympathy, sends to her the sheriff, with ‘the people of the State of Illinois, greeting!’ This was on the 22d of October, 1861. I care not if he never made her a promise; I care not if he was under no obligations to her at all. In that widow’s suffering, and in the sight of that widow’s grief, that was the basest deed—the cruelest of deeds.

‘I would rather be a dog, and bay the moon,  
Than such a Roman.’

“This poor, lone, friendless woman, in the depth of her desolation, and her home, her husband, and her children gone, is met by her ‘brother’ and her ‘protector’ sending the sheriff with a process of law into her house.

“And that is the way this tragedy begins!

“And then, gentlemen, after she has demanded her rights of Higgins, and he has refused to give them, what next? Just as she is about to become a mother again, he prepares a petition addressed to the citizens of Chicago, soliciting their charity in his behalf! He sends this woman, who was confined within a week, up and down the alleys and through the by-ways of this great city,—she whom he had promised to protect and defend—a mendicant and a beggar! And they claim some consideration in this case

because he thus sent this woman soliciting alms about the city, begging for money to give to him. She was to go to the charitably inclined people of this city, to go about telling her sorrows, re-opening her wounds, exhibiting her griefs and making them public, in the broad, clear day, that Van H. Higgins might have \$800! I shall be cautious, and you should be, gentlemen, hereafter, how you give alms. If a one-legged, one-armed man comes to your house to beg a meal of victuals, ask him if he has a land contract with Van H. Higgins. You do not know but that what you give will be carried to his house. And when you see a blind man on the cars, distributing his verses, ask him if he has been foreclosed; ask him for whom he is collecting—whether it is for his little boy or for some decorous and respectable gentleman who takes interest at 10 per cent.!" (Sensation in the court room.)

Mr: Storrs then read the document in question, making comments upon its expressions as he went along.

"Now, gentlemen, here is the appeal in which all the claims are set forth, and here is the appeal specific setting forth the fact that she wants this money to pay a claim upon her homestead, and she 'will ever pray.' Accordingly with documents of this kind, beginning and ending with a bill in chancery, he starts this woman about the city, soliciting alms for him. After this petition had been circulated, the woman was taken sick. She raised \$50 from Mr. Scripps, and used it to defray the expenses of her confinement: and shortly after that Higgins makes his advent again. This was at the time her child was dying in her arms, and she prays and implores him for mercy. She gets it not. He goes in a few days after, and again demands the property. She again argues and pleads for mercy, and he again refuses it. He goes away and leaves her in her sorrow, and then, as a climax, files his bill. And that bill is a curious document. It sets forth that all that had been paid upon the contract was \$880, when, as you know, McMurray had paid \$1520. Judge Gray says that he called upon Higgins to know how much had been paid, and could not get the facts. Higgins knew how much had been paid. On the 17th of June, before this statement was made, he knew that \$1520 had been paid. But after this statement had been made, and these receipts given, he conceals the truth, and starts out with that false statement in his bill. What next does he do? He asks the court for a forfeiture of these payments, and demands that in the general statement of these affairs, this poor woman shall not have credit for them. Now, gentlemen, it was in a court of equity, which abhors these forfeitures, and it will never grant them if it can be avoided. Judge Story has said, 'Law as a science, would be unworthy of the name, if it did not to some extent, furnish the means of preventing the results of rashness and blind confidence on one side, and avarice and cunning on the other.' He not only belies the payments, but he demands their forfeiture,—as hard and cruel a thing as can be asked of any court. But what more? Does he relent at all? He asks that this foreclosure be a strict one, and it is, so far as these two lots are concerned, a strict one.

Why did he file a bill at all? They say, because he was in debt. Now,

because a man is in debt is a very poor reason why he should not keep his agreement. If Higgins owed a million dollars, it was no reason why he should violate his solemn promises to this woman. He should be just and true, and keep his faith with her. He was in debt to the extent of a quarter of a million dollars, but his creditors did not do anything of that kind with him. And in their spirit of forbearance he should have treated her. I have from the old Book a case in point. Higgins' creditors did not foreclose upon him; he did foreclose upon her. And now, I want to show you how, in the early history of the world, these acts were treated. The case to which I call your attention is reported in the 18th chapter of the gospel according to St. Matthew. His own witness, and his agent, who kept his accounts, Mr. Wright, tells us, 'I thought he was a bankrupt. None of his creditors came upon him, nor did I hear about any of them foreclosing.' "

Mr. VAN ARMAN: "You should read your law to the court."

Mr. STORRS: "This is the higher law, and properly goes to the jury. It is the language of our Saviour in answer to the apostle Peter, and reads thus:

" 'Therefore is the kingdom of heaven likened unto a certain king, which would take account of his servants. And when he had begun to reckon, one was brought unto him, which owed him ten thousand talents. But forasmuch as he had not to pay, his lord commanded him to be sold, and his wife and children, and all that he had, and payment to be made. The servant therefore fell down, and worshiped him, saying, Lord, have patience with me, and I will pay thee all. Then the lord of that servant was moved with compassion, and loosed him, and forgave him the debt. But the same servant went out, and found one of his fellow-servants which owed him an hundred pence; and he laid hands on him, and took him by the throat, saying, Pay me that thou owest. And his fellow-servant fell down at his feet, and besought him, saying, Have patience with me, and I will pay thee all. And he would not; but went and cast him into prison, till he should pay the debt. So when his fellow-servants saw what was done, they were very sorry, and came and told unto their lord all that was done. Then his lord, after that he had called him, said unto him, O thou wicked servant, I forgave thee all that debt, because thou desiredst me. Shouldst not thou also have had compassion upon thy fellow-servant, even as I had pity on thee? And his lord was wroth, and delivered him to the tormentors till he should pay all that was due unto him.'

"Now, that was just exactly such a case as this. There the lord of that kingdom, whose servant owed him ten thousand talents, cancels his debt, and lets him go; and then there is the debtor, not grateful as he ought to be for the kindness bestowed upon him, who goes out in the streets, and, seeing a man who owed him a miserable hundred pence, takes his debtor by the throat and casts him into prison. When mercy had been bestowed upon him he threw his debtor into jail, as the plaintiff in this case has throw this poor woman in the street. And the conduct of that unworthy servant at that time rings now through all the aisles of history, and its



teaching is as strong, its lessons as cogent, as they were eighteen hundred years ago, when the story was first told; and that servant met with the same condemnation from the Great Judge and Searcher of all Hearts, that the plaintiff in this case, who showed no mercy to this poor, friendless, widowed woman, will find from the Judge and Searcher of all Hearts to-day, and from men who have hearts to be moved and pity to be excited by a story of oppression, outrage, and wrong."

Mr. Storrs was interrupted here by a hearty outburst of applause, which had to be checked by the court. He then proceeded to say:

"There is another curious spectacle about this case which impresses me very strongly. It is the curious connection of the plaintiff in the case with the attorneys of this woman. Rourke and Chase are here as witnesses for this plaintiff, and they were the attorneys of Mrs. McMurray. How does Higgins know what that woman had ever told Rourke, unless Rourke told him? And what right had Rourke to tell the opposing party the facts which his own client had communicated to him? Why, that fact alone, piled on the top of this pyramid of wrongs, is enough to blacken it for ever. He is not only determined that the promise made to this woman shall be broken, but he is also determined that whomsoever she gets to act for her, and protect her rights, shall betray her interests and abuse the trust she has reposed in them. (Sensation.)

"And now he claims credit for Mrs. McDonald's charity. As the final act in this affair, Mrs. McDonald permitted this property to be sold, and this woman thus got \$220. Van H. Higgins claims credit for that. It was not his property; he had no right in it; he had no control over it. It is like the old definition of charity,—if A sees B in distress, he is very glad to have C relieve him. He is about as much entitled to the credit as I would be if I gave my neighbor's coat to the Patagonians, and his boots to the Hindoos. It is very well in this world, but in the other world it will be very different. Van H. Higgins will find that the \$220, on the eternal records of human life, are not placed to his credit, but to the credit of Eva McDonald, to whom it belongs. Nor will he find that his magnificent offers have been placed to his credit; he will find, where justice is searched and probed to the bottom, that they measure men by what they do, and not by what they say; that they judge of the tree by its fruit: and that, when he is setting himself up as a minister of charity, he had better stop in Jericho until his beard is grown. The miserable gift of two dollars is all the charity of this man, against all this sickening story of wrong. All this gulf, all this black page of oppression and wrong perpetrated upon this widowed, childless woman, is illustrated by no bright spot, relieved by no kindly act, sustained by no single emotion which would dignify the heart of man or entitle him to any sympathy at all, save the single, faint, feeble ray of light which gleams with fitful radiance from the two dollars which he gave to this woman through the Union Defence Committee. Give him credit for these two dollars. I am willing to admit there was no discount



on it; it was in the days before gold went out of circulation; whether it was Illinois currency or not, I know not. Give him credit for it. He promised to give her more, but it is all she ever got except wrong and cruelty and oppression.

"They tell us he had a right to close this contract; to take this property by foreclosure. That is not the question we are trying. The question we are trying here is whether he did a good and kind act towards this poor woman, or whether he was unjust, cruel, and oppressive towards her. A similar case once happened in the city of Venice. It was the case of Shylock *v.* Antonio. Shylock dealt in money. He lent Antonio money on a bond, the penalty being that, if he did not pay it at a certain time and place, Shylock should cut a pound of flesh from any place he chose, nearest his debtor's heart. The day came; Antonio failed to connect; his ships had gone down to the bottom of the sea; banks had broken; real estate had depreciated; and he could not pay his debt. The case is brought into court; the parties are all present; the duke speaks to this plaintiff Shylock, and says, 'Your claim is cruel; it will be very brutal for you to enforce it; can't you have some mercy on this man?' But that old plaintiff tells him, 'No, I will have my pound of flesh; I will have my bond.' And then, when his pity is again appealed to, he turns to the papers as they do in this case, and says, 'Is it not nominated in the bond? I'll have my bond.' So that case went on to trial, as this case went on to trial. Shylock insisted upon the letter of his bond. There was, however, a little trip in the pleadings. Shylock did not get the forfeiture. They had a judge who, while sticking to the law, stuck to the letter of it, and suggested that he could take a pound of flesh, but if he took one drop of blood, his life should become forfeit to the state. Shylock concluded that he would 'withdraw a juror' in that case, and left the court-room, which he had entered in confidence of getting his bond. Now it would be a great deal better for the plaintiff in this case to do the same. The judge would say to him, 'You can have your pound of flesh, but if you take one drop of this poor woman's blood, if you violate the sense of right and justice that is not in the bond, you will forfeit your reputation, and everything you have, to the public in which you live.' That would have been the judgment that would have been passed upon this case by that judge. And, gentlemen of the jury, that is the judgment that will be passed upon this case by you.

"But they say they are going to take these things down the aisles of history. They are going down to future generations with them. I say, let them go. This plaintiff has got a bigger load to toddle down the highway of history with than ever man had before. He will stagger under the accumulating weight, and it will grow greater and greater as the long years stretch out before him. It will stick to him in time to come like the fabled shirt of Nessus, and will burn, and burn, in memory of the wrong that he has perpetrated upon this woman. And if he is a man with the ordinary feelings of our nature, when he goes to his bed at night do you think he has no troubled dreams? Do not you believe that, grouped around his bed

in those uneasy slumbers which an unquiet conscience makes, there are the departed spirits of M'Murray and his dead children? Do not you believe that their fingers are pointed in reproach at him, and he cannot but believe that each pore of his body is a trumpet which is clamoring his ill-doings to the world?

"They say they are going to the Supreme Court. We will follow them to the Supreme Court, and if he desires in a lawbook, either in calf or sheepskin, to make a memorial of this record, he is quite at liberty to do it; and this tale of wrong will grow all the larger the more it is looked at.

"We have talked of him as a man: we have talked of him as a judge, bringing this case in his own court. Do you believe this woman could approach the other associate judges of that court with the same confidence that Van H. Higgins could, who sat upon the bench with them day by day? Why, there is an impropriety in it which shocks every mind; and that noble lawyer and distinguished judge, John M. Wilson, tells you that he was at once struck with the impropriety of that case being brought in that court; he felt a delicacy about trying it. I tell you that the honor of our judges is a very sensitive thing. Once let the breath of suspicion fasten upon it, once let it be open to reproach, and the whole fabric of our jurisprudence tumbles into ruins. It hangs by as delicate a thread as the snow avalanches in the Alps. The snow hangs in great overhanging masses over dangerous passes, and the merest concussion of the human voice will release them from their hold upon the rocks, and send them, the messengers of death and desolation, to all that is beneath. Sensitive as that is, the structure of our entire jurisprudence is equally so. It must be spotless and pure; there must be no breath of suspicion leveled against it or fastened upon it. I have looked upon this plaintiff as a judge, as a man, and as a citizen, and I believe, and I think you believe, that his treatment of this woman has been unjust, oppressive, and cruel, and that the man who is unjust, oppressive, inhuman, and cruel, is not fit to sit upon the bench; that he is a disgrace to it; that he sullies and pollutes the judicial ermine which he wears."

A renewed outburst of applause again prevented Mr. Storrs from proceeding for several minutes. When the court had succeeded in restoring order, Mr. Storrs said:

"This is indeed a serious record to make up against any man. The plaintiff has made it for himself. He demands your verdict upon this wearisome detail of heartlessness and oppression. Grieved as we may be that a fellow citizen should thus stain the honor of the high office which he held, or that in this great city, honored as it has been by its magnificent and far extending charities, any man could be found who would oppress the weak in their helplessness, and turn the widow and the orphaned children of the dead soldier beggared and starving into the streets, we cannot refrain from the solemn duty which has been imposed upon us, of affixing the seal of condemnation to such offences against our consciences as have been proven in this case. You must say whether the unjust judge, the avaricious man,

shall be sustained or not. Your verdict to-day may be, as I trust it will, so distinctly pronounced that it shall be like letters of flaming fire, painted against the sky, that all the world may read it; and when avarice, with its greedy hand, would seize upon the widow's mite or press the unfortunate debtor to the earth, or when the judge forgets the dignity of his high office, they may look upon the record and take warning from it."

The parable of the ewe lamb, as we have already seen, was always an especial favorite of Mr. Storrs. He closed his argument by quoting it in full, as exactly applicable to this case, and concluded by saying:

"You are not, gentlemen of the jury, the prophets of the Lord, but it is an old saying that 'the voice of the people is the voice of God.' You speak for the people; you represent the people. Take this simple story—the most beautiful thing in literature—and apply its teachings here. This plaintiff, as did the Israelitish King, spared to take of his own substance to supply the wants of those who made demands upon him, but he took this poor woman's home, endeared to her by a thousand associations, hallowed by a thousand sacred memories, and satisfied his creditors with that! And even as the finger of the stern old prophet pointed to his royal listener as guilty of the very crimes which he had but just denounced, so will the verdict of this jury, reciting the story of the wrongs which this widowed woman has suffered, declare to this plaintiff, 'Thou art the man.'"

The *Times*, in its report of the trial, said:—"Mr. Storrs concluded his argument at 12½ o'clock. His remarks, extending through a period of two hours, had been listened to attentively and with most marked interest by the entire assemblage, among whom were many of the most prominent practitioners of the Chicago bar. It is only a merited and truthful tribute to Mr. Storrs to say that he delivered a most eloquent, powerful, and convincing argument."

The plaintiff's counsel became demoralized, and did not dare to take the verdict of the jury after Mr. Storrs' speech. The suit was withdrawn.

## CHAPTER X.

### JOHNSON'S RECONSTRUCTION POLICY.

MR. STORRS AT OTTAWA, ILLINOIS, 1866—JOHNSON'S DOCTRINE THAT THE REBELS FORFEITED NO POLITICAL RIGHTS—AN EXHAUSTIVE REPLY—JOHNSON'S RECORD REVIEWED.

WHEN Andrew Johnson succeeded to the Presidency on the death of Mr. Lincoln, he immediately inaugurated a policy in dealing with the rebellious States which soon brought him into collision with Congress. He proposed to restore them at once to all the powers they possessed before the rebellion, the effect of which would have been to place the colored freedmen once more at the mercy of their former masters. The Southern people refused to live on terms of political equality with the colored people, and acts of violence perpetrated by them upon the freedmen were daily reported. In the Northern States the feeling called forth by these outrages was intense, and Johnson's Southern policy was therefore highly exasperating to a majority of the Northern people. They regarded the rights of the freedmen as paramount to all questions as to the relations of the States to the Federal government, and required that guarantees for the preservation of those rights should be secured before the seceding States should be re-admitted to the Union. In this they were faithfully represented by the majority in both Houses of Congress. When, therefore, Johnson vetoed such measures as the Freedman's Bureau bill and the Civil Rights bill, a breach between him and Congress was inevitable; and when Johnson undertook to remove Secretary Stanton in open violation of the Tenure of Office bill, his impeachment was resolved upon, with a result which is now matter of history.

While this conflict between the Executive and the Nation was at its height, Mr. Storrs reviewed the questions at issue in a powerful and closely reasoned speech at Ottawa, Illinois, in September 1866, which the *Chicago Tribune* published in full. It occupied six columns and a half of the old "blanket" sheet, or nearly two pages of the present edition of that paper. The *Tribune* paid it the compliment of special editorial notice, characterizing the speech as "a complete, conclusive, and overwhelming reply to the harangues of Doolittle, Dickey, Hoffman, Johnson, and all other Copperhead speakers, on the question of reconstruction and the status of the rebels and rebel States. It is Websterian in logical reasoning, in purity of diction, and in force and clearness of statement." So highly was the speech regarded that the *Tribune* afterwards reprinted that portion of it which,—to use its own language,—“demolishes the Johnson-Doolittle doctrine that the conquered rebels have forfeited no political rights, and that States cannot commit treason; that the rebels have a constitutional right to seats in Congress without conditions precedent; and that the rebel States were never out of the Union, never committed treason, and have a continuing, abiding, inalienable, indefeasible right to an equal voice in the government, regardless of the rebellion and their attempt to destroy the Union. “All these assumptions,” said the *Tribune*, “are completely demolished, and the actual status of the rebels and rebel States so clearly presented, that a wayfaring man, though a fool, need not err therein.”

How amply the *Tribune's* eulogium was justified will be seen from a perusal of the speech, which is here given in full.

“FELLOW CITIZENS: The political issues involved in the pending elections are but a continuation of those that have been before us for the past five years. During all that period of time the Republican party has urged a vigorous prosecution of war against a rebellion in arms. The political issues were those which naturally grew out of the war. They involved questions of policy as to the manner in which it should be conducted and the purpose for which it should be waged. The continued and triumphant supremacy of the Republican party was evidence of the resolute will of the people to suppress rebellion, to crush out treason, to punish traitors, and so thoroughly to preserve our national integrity as to remove all the causes which had given rise to the war. We were at war with the rebellion in its every part. At war as well with the ideas to carry out which rebellion was inaugurated, as with the armies which were marshaled for the support of those ideas. For the armies of the rebellion were but the



physical expression of the political principles, to sustain which these armies were organized. Every battle fought by Southern armies, every shot fired by Southern traitors, was in behalf of the right of secession, the political power of slavery, and the Calhoun doctrine of State sovereignty. In contending with Southern armies we contended with these political principles. When their armies were defeated the principles for which those armies fought were defeated also. When their armies surrendered to ours, they surrendered not only the guns with which they fought, but the principles for which they fought. For if after fighting traitors in the field and vanquishing them, we fail to vanquish also the treason for which they fought, the war has been a failure infinitely more ignominious and disgraceful than it would have been had the Democratic platform of 1864 been true when it was written. The question now is, as it then was, Is the war a failure?

"If after the sacrifice of three hundred thousand lives, and an expenditure of almost countless millions of money in conquering the military power of the rebellion, the only result has been to restore at once subjugated rebels to a place in our national councils, to a voice in national legislation without adequate guarantees that the political heresies which gave life to treason, and inspired its exertion, shall not flame out anew into the horrors of civil war; then is the war a failure indeed, then treason meets with no punishment, and patriotism has no rewards. For refine and reason upon it as we may, the question of the hour is, shall the fruits of Union victories be gathered and secured?

"Whether this can be done by an immediate restoration of yet disloyal States and communities to a share in national councils, with the full privilege accorded to them there to urge by legislation what they have failed to achieve by war, is the practical shape which this question now assumes. If unrepentant and still disloyal rebel constituencies are to be privileged in an attempt to repudiate by legislation the payment of our national debt, or to assume the payment of the rebel debt, or to deny the freedman any of the privileges of a citizen, or to acquire an increase of political strength as one of the results of the rebellion which has been crushed, or to attempt to establish the dangerous doctrine of State sovereignty, then clearly enough the war has been profitless in results, and the fruits of Union victories have wasted and withered as they lie strewn over a hundred battle-places.

"The military power of the rebellion having been crushed it would seem naturally enough to follow that all those who had engaged in the rebellion, should, so far at least as political privileges were concerned, fall with the cause which they had espoused.

"The constitution of every State which attempted to secede from the Union was, so far as its relation with the National Government was concerned, abrogated by the act of secession.

"The Constitution of all these States, so far as the same had relation to the Confederate Government, fell as the consequence of the defeat of that so-called Government.

Thus, at the close of the war, each and every one of those seceding States was absolutely without a Constitution. The old one was annulled by their own act. The new one, which placed them in relation with the Confederacy, was overthrown by the military power of the nation. Not only were they without Constitutions as *States* but there was no power then existing within the territorial limits of either of those States by which a new Constitution could be created. The people of those States had, by their treason, forfeited all political rights and privileges. Hence, there was no organic law, nor any resident power to create it. How a State can be said to be in the Union, which has neither a Constitution nor a people empowered to create one, nor representation in Congress, nor even the power to convene a Legislature within its own territorial limits, is one of those curious political problems which I will leave to the supporters of Andrew Johnson to solve.

This was the condition of affairs when, by the assassination of Abraham Lincoln, Andrew Johnson became President of the United States. How ready the South was at that time to submit to any terms which might have been proposed to them. How confidently they anticipated their own exclusion from all share in the control of the nation which they had by the greatest crime in history sought to overthrow. How ready to concede that every privilege which they enjoyed was through the *clemency* of the nation and not possessed as a right. How easy it would have been at that time to have restored, upon a basis broad and permanent, every State to its proper relation with the Union of all the States, we all well remember.

At once Andrew Johnson began the work of reconstruction. He appointed what he called Provisional Governors of these various States, whom he authorized to call Conventions for the purpose, among others, of forming Constitutions for each of the rebellious States. By this act he substantially declared as his then opinion that neither of those States had either Constitution or political head. He then proceeded to declare what classes of persons might be entitled to vote at the election of delegates to attend those conventions, thus asserting that there was inherent in the *people* of those States no political privileges, that they had lost and forfeited them by their treason, and that the right of the elective franchise lost and forfeited by their treason, could only be conferred upon them by himself, which he proposed to do, and did do by pardons, amnesties and proclamations.

And here let me pause to notice the point where Andrew Johnson first invaded the Constitution, in behalf of treason and against loyalty. The millions of freedmen who had alone been loyal, who had furnished of their number for the service of the nation hundreds of thousands of men, were not permitted to participate in the election of delegates to a Convention called to re-create a State Government under which they and theirs were to live. This right was denied upon the assumption that the Government had no power to extend the elective franchise. It was said that it was in the power of the Government to *deny* the right,

but that it could not *confer* it. How contemptible a quibble this was and is, is obvious when we remember that no single rebel participated in those elections, who was not compelled first to obtain the right from Andrew Johnson. Every rebel in the South had lost the right to vote, which he had before possessed, by his treason, and when the work of reconstruction began he was as completely without the right as the negro had ever been. Andrew Johnson deprived no rebel of his right to vote. That right was forfeited by the act of the rebel himself. But Andrew Johnson did *confer* the right upon the rebel who had lost it by his treason, and refused to confer it upon the negro who had fairly won it by his loyalty.

And thus it was that in the work of reconstruction the source and fountain of all power was Andrew Johnson. He found these States without Governors, and he appointed Governors. He found them without a constituency entitled to vote, and he straightway created a constituency. He found them without political power, and he clothed them with it, and so it was that the strange spectacle was presented of rebels again exercising political power. The result of the elections for delegates was such as might well have been expected. The Conventions were as much rebel Conventions as those which the fortunes of war had just dissolved. With the advice and under the direction of Andrew Johnson, Constitutions were framed and declared to be the law of the land. These Constitutions were as much the work of the President, as were the Governors themselves the creatures of his authority. He dictates to Governor Perry the necessity of repudiating the rebel debt. He instructs all his newly created Governors that the Constitutional Amendment abolishing slavery must be adopted, and he urges Governor Starkey to extend the elective franchise to people of color.

The Constitutions thus having been framed in accordance with the dictations of the President, by a Convention elected by a constituency which he called into being, at elections called by Governors whom he had appointed, the work of reconstruction under this one-man power proceeded to the organization of State Governments. Let it be remembered, however, in this connection, that the Constitutions thus made were not submitted to the action of the people of the States for whom they were made, save in the single instance of the State of Tennessee. The several States being thus *re-created*, the constituency whom Andrew Johnson called into being, proceeded to the election of State officers. Members of Congress were also elected by Andrew Johnson's voters. And United States Senators were also elected by Legislatures whom Andrew Johnson's voters had elected; all this was done while Congress was not in session. The creator of States did not deem it advisable in the work of reconstruction to call to his assistance nor to solicit the counsels of the representatives of the people, but upon the assembling of Congress that body was advised in a wholesale manner of the work which the President had performed, and was asked at once and without question or examination to adopt it, and to admit to seats in National councils the representatives of a people who but a few months before were defying National authority, and seeking by force of arms to

overthrow it. This Congress has thus far refused to do. Any attempt to obtain a clear idea of what Andrew Johnson calls 'my policy' from anything that he says, will prove utterly futile. But comparing his acts with his declarations it will be seen that they are utterly irreconcilable.

"In his first message to Congress he says, in the course of his argument against the continuance of military rule over the seceded States, that such policy would have implied that the States whose inhabitants may have taken part in the rebellion had by the act of those inhabitants ceased to exist. But the true theory is that all pretended acts of secession were from the beginning null and void. The States cannot commit treason nor screen the individual citizens who may have committed treason any more than they can make valid treaties or engage in lawful commerce with any foreign power. The States attempting to secede, placed themselves in a condition where their vitality was impaired but not extinguished—their functions suspended but not destroyed."

"This is but the statement in a somewhat roundabout way of the proposition which all the aiders and abettors of treason, and all the wearied and tired-out Republicans have incessantly asserted, 'That no State has a right to secede from the Union, and therefore no State has seceded; and that therefore, all the States have all the time been and now are in the Union, and that whoever asserts the contrary, is a disunionist.' That all pretended acts of secession were null and void, is to a certain extent true, and to a certain extent not true. The proposition is, in this particular, much like the experience of the young physician who, in commencing practice, adopted as his 'policy,' the building up of medical knowledge by actual observations of the results of particular medicines administered in particular cases. The first case he was called upon to treat was a fever. He administered Peruvian bark, and the patient recovered. He at once wrote in his note book, 'Mem.—Peruvian bark cures fever.' His next case was also one of fever; he administered the same medicine and the patient died; so he at once wrote under his original note, 'Sometimes.' Peruvian bark cures fever—sometimes.

"In saying that all acts of secession are null and void, we simply say that no State has a constitutional *right* to pass an ordinance of secession. That the State in rebellion *did* pass ordinances of secession, as a matter of fact, is indisputable. That those ordinances were, so far as they affected the rightful authority of the General Government over the States or the people of those States, null and void, is entirely correct. But that they were null and void in the sense that the act of passing them in no way affected or changed the political rights or privileges of those States or the people within the Government from which they attempted to secede, is not true; and to claim that it is, is to insist that the commission of a crime works no change in the rights and privileges of the criminal. A forged deed is, so far as it affects the rights of the party whose name is forged, absolutely null and void, but it would not be regarded as a very good defence to be made by the forger that the forged deed was null and void, and that therefore he had not forged a deed. He would



find that, although he had not succeeded in affecting the rights of the owner of the property which he had attempted to convey, he had by the commission of the crime very seriously impaired and affected his own rights. While, therefore, the ordinance of secession passed by the State of South Carolina in no way affected or impaired the authority of the General Government, it did very seriously impair and affect the rights of the State of South Carolina within that Government.

"The President also declares that 'the States cannot commit treason, nor screen the individual citizens who may have committed treason.' The answer to this is that these States which are now asking re-admission, *did* commit treason, and for over four years they did screen individual citizens who had committed treason. A French savan who had explained and demonstrated to a practical Englishman a very ingenious, scientific theory, upon being told that the theory was a fine one but the *facts* were all the other way, answered 'so much the worse for the facts, poor things.' It was proved by arguments of the most indubitable character, arguments quite unanswerable, that Richmond could not be taken; but in spite of all rules of logic, Richmond *was* taken, and the mass of people, troubling themselves but little with the refined subtleties of Copperhead Johnsonian Mosaic logic, believe to this day that Richmond was in fact captured and quite cheerfully 'accept the situation.'

"Governor Yates prorogued a disloyal Legislature the members of which packed their satchels and went home. It was contended, however, that as the Constitution pointed out the manner in which the General Assembly should be adjourned, inasmuch as that manner had not been pursued, the Legislature had not been adjourned but continued all the time in session. The Supreme Court thought otherwise, and held that although the legal *forms* had not been complied with, the members having gone home, there was an adjournment in fact. I am unable to perceive why a State cannot, as a matter of fact, commit treason. All acts done by the State Government are acts done by the State, because in no other way can the State act. The various ordinances of secession were passed by the State Legislatures, and approved by their officers, and were therefore the acts of the States. Armies were raised to wage war against the United States by the legislative action of State Governments. This was the act of the State, and inasmuch as the act was treason, it was treason committed *by the States*. That these States had no *right* to pass ordinances of secession, nor to wage war against the Government, we were quite well aware before being advised upon that point by Andrew Johnson. The fact that they did do these things, no swinging around the circle will remove. But that 'the States' were in insurrection against the Government is affirmatively declared by the address adopted by the Johnson Philadelphia Convention. It is there said, '*The withdrawal of their members from Congress by the States which resisted the Government, was among their acts of insurrection; was one of the means and agencies by which they sought to impair the authority and defeat the action of the Government.*'



"If language has not altogether lost its force and words their significance, it is, by the portion of the address which I have read, declared, 1st. That *the States* withdrew their members from Congress. 2d. That *these States* resisted the Government. 3d. That *these States* were guilty of acts of insurrection against the Government, among which the withdrawal of their members was one. 4th. That *these States* sought by various means and agencies to impair the authority and defeat the action of the Government. It is quite certain that resistance to the Government, acts of insurrection against it, and attempts to impair its authority and defeat its action, amount to treason. All these acts, it is declared by the Philadelphia address, the seceding States have committed—that is, they have committed treason. Andrew Johnson declares in his message that a State cannot commit treason, while the Siamese address, promulgated by his satraps, and the reading of which suffused his eyes with tears, declares that they *have* committed treason. But further, we are told that the States attempting to secede placed themselves in a condition where their 'vitality was impaired, but not extinguished; their functions suspended, but not destroyed.' The State Governments which passed ordinances of secession not only *impaired* their vitality by those acts while within the Union, but they lost it altogether. When the Legislature of South Carolina declared that State out of the Union, that body ceased to have any vitality *within* the Union. It was not a mere *suspension* of their legislative functions within the Union, but it was an absolute destruction of those functions. As I have already observed, the State Government is the State. What it does, the State does. And if it be true, that in adopting an ordinance of secession, the State Government of South Carolina merely *suspended* its functions within the Union, it would seem to follow that immediately that the ordinance proved practically a failure, from lack of power to carry it out, its suspended functions were at once restored, and nothing but their defeat in battle was necessary to place them upon a platform of entire equality of political privileges with the States from which they attempted to secede.

"But Andrew Johnson's acts were entirely inconsistent with his hazy and impracticable theories. In his work of reconstruction he proceeded upon the principle of *destruction*, and not upon the theory of suspension of political vitality and functions. He appointed Governors. By that act he said there are no Governors. He gave to the people the right to vote. By that act he declared that they were without political power—not that their political power was merely suspended, but that it was destroyed. He did not merely set in operation the *old* Governor, the *old* State Legislatures, under the *old* Constitutions, deriving their authority from their *old* constituencies, and all acting under their *old* laws, which would have been the case had the rebellion produced simply a *suspension* of their political vitality, but he ignored these altogether—did not restore an *old* Government, but *created a new one*.

"It was a work of *re-creation* and not a work of restoration. So long then as Andrew Johnson by his acts declare that there were in all the seceded States no Governors, no State officers, no Constitutions, no State

Legislatures, no representation in Congress, no State laws, and no people possessing political privileges, I must be excused for believing that the political vitality of those States within the Union was extinguished and their political functions within the Union were destroyed.

"But if it were true that by the rebellion the political functions of the rebellious States were merely *suspended*, it becomes important to inquire how and in what way they could be rightfully resumed. It is a favorite expression of 'my policy' men that when the war ceased, war measures ceased, and that, immediately upon the surrender of the Southern armies, everything, by some curious political mechanism, sprung back to the precise position it occupied before the rebellion began. And this is really what 'my policy' amounts to. No States, say they, have ever been out of the Union. They tried to go out, and failed; and in consequence of their failure their rights when in the Union are unimpaired. This is the new Gospel according to the new Moses. This is the Constitution as it is in Andrew. Accordingly the Constitution is made to read thus:

"'Whenever any State Government, or combination of State Governments, declare their relations with the Union of these States at an end, and seek to make that declaration good by war, they shall, so long as they succeed in war, be deprived of all political rights and privileges, and shall only be entitled to the full enjoyment of political rights and privileges within the Union which they have attempted to destroy, upon the defeat and surrender of their armies.

"Treason against the Government of the Union shall work the destruction of all the political privileges of traitors, so long as it shall be successful, and these rights and privileges can only be achieved by traitors in the event and in consequence of their defeat.'

"And so it happens that when McClellan was driven back from Richmond the Southern States lost their rights, and when Lee surrendered to Grant at Appomatox Court-House they gained them. Rebellion loses by success, and wins by failure. So, if they had finally defeated us, they would have had no Constitutional privileges, but when we defeat them they recover them all. Their rights are suspended during the progress of the war, to be lost if they win and to be gained if they lose.

"But the doctrine of the Johnson party goes even further than this. By the third resolution of their platform adopted at Philadelphia, it is declared that 'representation in the Congress of the United States and in the Electoral College, is a right recognized in the Constitution *as abiding in every State . . . . fundamental in its nature . . . .* and neither Congress nor the General Government has any authority or power to deny this right to any, or withhold its enjoyment under the Constitution, from the people thereof.'

"The address adopted by the same Convention puts the proposition still more pointedly. For, in speaking of the insurrectionary acts of the States, it is there declared that '*neither the right of representation, nor*

the duty to be represented, *was in the least impaired by the fact of insurrection.*' And again, the address says: 'But it is alleged, in justification of the usurpation which we condemn, that the condition of the Southern States and people is not such as renders safe their re-admission to a share in the Government of the country; that they are still disloyal in sentiment and purpose, and that neither the honor, the credit, nor the interest of the nation would be safe were they admitted to the councils of the nation. We reply to this, First, *That we have no right for such reasons* to deny to any portion of the States or people any right conferred upon them by the Constitution of the United States.'

"This is the authoritative exposition of the principles of that party, whatever its name may be, which opposes itself to the Republican party, which denounces Congress, which has for its present head Andrew Johnson, and for its subalterns and lieutenants the Postmasters and Internal Revenue Officers throughout the country. Is it possible that we fully appreciate how monstrous the ideas buried in these smooth and oily phrases are, how utterly destructive and suicidal they would be if carried into effect; how complete would be the triumph of treason should they be adopted? Even Andrew Johnson himself had not the hardihood, upon the opening of Congress, to take any such ground. He admitted that by the rebellion the political vitality of rebel State Governments had been *impaired* and their functions *suspended*; but the doctrine enunciated in the resolutions and address which I have read is a plunge far in advance. It out-Herods Herod. For here it is declared that representation is a right *abiding* in every State; that neither Congress nor the general Government has the power to deny the right to *any* State or to withdraw it from the people thereof; that it is a right *not in the least impaired by the fact of treason*, and that States and people that are still disloyal in sentiment and purpose, and whom it would be unsafe to the honor, the credit, and interest of the nation to admit to its councils, are nevertheless entitled to be admitted to representation in Congress, and to a share in the control of our national destiny.

"The Congress of the United States which refuses to adopt heresies, so monstrous and so criminal; which refuses to surrender back to traitors, whose hands are yet red with the blood of your sons and kindred, the victories which they have achieved; which refuses to blot out the sublime record of four years heroic endurance, suffering and achievement, by an ignominious confession of all that the blood and valor of your sons have won; is denounced by a gathering of pardoned rebels, unpardoned Copperheads, and apostate Republicans, as guilty of usurpation; and the great loyal people who have carried the nation safely through the flaming perils of a gigantic rebellion, are insultingly denounced by a brawling recreant, a conceited demagogue, as traitors to the Constitution, to preserve which they sacrificed three hundred thousand of their sons, and to vindicate which still further, if need be, will sacrifice three hundred thousand more.

"My fellow-citizens: If you believe that during all the time the rebel-

lion was in progress, the States engaged in it seeking to destroy the nation by the sword, had also an abiding right to representation in Congress, so that they might there also compass its destruction by legislation, you should vote for those candidates who approve 'my policy,' for that *is* my policy.

"If you believe that at no time during the war Congress had the authority to withhold from the people of South Carolina the right of representation in our National Congress, you must vote for Dickey, for he stands upon that platform.

"If you believe that the rights of a State, or of the people thereof, are in no way impaired by treason, you cannot consistently vote for Logan.

"If you believe that States and people disloyal in sentiment and purpose, and with whom neither the honor, the credit nor interest of the nation would be safe, are entitled at once to re-admission into the councils of the nation, and to equal privileges with loyal States and people therein, you are a member in good standing of the Johnson party, entitled to a Federal appointment, qualified for a seat in a Conservative Convention, and to walk arm-in-arm with Governor Orr, Andrew Johnson, Fort Pillow Forrest or Henry J. Raymond. For such is the faith of the new party as it is written. Let all those who believe in it subscribe to it.

"It is also important to observe, with reference to the declaration of principles and the address adopted by the Johnson party at Philadelphia, that there is running through them both a clear and unmistakable recognition of the old Calhoun doctrine of State sovereignty, which is at the bottom of all our difficulties. The argument in support of this theory was that the Constitution was made by the States; that the Union was a compact between States, from which the States might at any time they saw fit withdraw. The answer was that the Constitution was not made by the States, but by the people, and that its declared purpose was to secure between the people a *more perfect union*.

"By the second of these resolutions it is declared that the war has preserved the Union with the equal rights, dignity and authority of *the States* perfect and unimpaired; by the third, that representation in Congress is a right abiding *in every State*; and by the sixth, that all the *States* of the Union have an equal and indefeasible right in proposing amendments to the Constitution. This declaration of principles was intended to harmonize with the arguments of Messrs. Johnson, Stephens and Raymond. They insist, a portion of the time at least, that the treason of the last five years has been committed by the *people* of the States, and not by the States; and that although the *people* of those States may have lost *their* rights, the rights of the *States* remain unimpaired. Hence it is that they sometimes insist that they are simply asking the admission of loyal representatives to Congress, although as I have already shown, their declaration of principles asserts the existence of an absolute right of representation entirely irrespective of the loyalty or disloyalty of the representatives of their constituents.

"But, my fellow-citizens, this right of representation does not, and can-



not be made to rest upon the political standing of the *representative*. The question is, not whether he, or some other person, should represent the particular constituency from which he comes, *but whether that constituency has any right to be represented by anybody*. Members of Congress do not represent the *State* from which they come, but *the people*. The Constitution provides that 'the House of Representatives shall be composed of members chosen every second year by *the people* of the several States.' Now, if the people of the seceding States have, as Andrew Johnson is compelled to admit that they have, been guilty of treason, and have thereby forfeited all political rights and privileges, they have no right to elect representatives at all. The question is then, not whether the particular representative is loyal or disloyal, but whether the people who elected him are, or are not loyal citizens. Not whether the particular man was elected by the votes of the people of that particular district, but whether the people of that district had any right to elect anybody. If they were disloyal they had not; that fact being once ascertained, the question as to whom a people not entitled to elect anybody, elected, ceases to be of any importance. For a loyal representative of a disloyal people would be a farce. He would not be a representative.

"A people, or a State engaging in a rebellion, certainly lose something if their rebellion is overthrown. It cannot be that at once, upon defeat, they who have waged war against the Union are entitled to equality of rights and privileges with those who have fought in its defence. This was Andrew Johnson's opinion in May, 1865. By his proclamation appointing Holden Provisional Governor of the State of North Carolina, he declares that for the purpose of 'enabling the *loyal people* of said State to organize a State Government,' he appoints Holden Provisional Governor, 'whose duty it shall be at the earliest practicable period to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates *to be chosen by that portion of the people of said State who are loyal to the United States, and no others.*'

"A State Government not then being in existence, he set the machinery in motion by which one was to be organized. But it was to be organized *for* loyal people and *by* loyal people.

"The test of the right to political privileges was therefore loyalty.

"Those rights were lost by disloyalty. And they could only be regained by loyalty. Andrew Johnson did not deprive traitors of their rights. They lost them by disloyalty. Andrew Johnson did not make them disloyal, nor could they be made so by his declaration. It was their acts which made them so. Neither did Andrew Johnson make traitors loyal. He could not do so by proclamation nor by pardons. What they have lost by treason, then can regain only by loyalty. If the people of the seceded States are not yet loyal, they have not yet regained their political rights; and whether they are or are not loyal in sentiment and purpose, is a matter of *fact* about which Andrew Johnson knows no more than any



other man, nor as much as many men, and which cannot be determined by his saying, as to the fact, yea, or nay.

"The new Moses seems to be laboring under the impression that the exercise of political privileges and the enjoyment of political rights rests solely and altogether upon his decision. He says that the people of the seceded States are all loyal, and that they have organized State Governments, and elected members of Congress who are at once entitled to admission. I, for one, desire better evidence of a man's loyalty than Andrew Johnson's endorsement of it. The President cannot change *facts* by *assertions*. He cannot make a treasonable people loyal by declaring that they are loyal, any more than he can swing around the circle, and by hammering at the other end make the great loyal North disloyal by drunken and mendacious charges that they are traitors.

"The fact of the disloyalty of the Southern States and people was established by numberless acts of treason committed by both against the Government. We ask that they furnish us the same kind of proof of their loyalty that they have given us of their disloyalty. It must be proved by their acts. There must be not only *repentance* for their crimes, but they must 'do works meet for repentance.' Repentance is not done by proxy, either in Divine or human government. An offender against the laws either of God or man is not permitted to furnish a substitute to do the repenting for him. That each offender has to do for himself. The people of this country are not satisfied to have the work of repentance for millions of traitors done by one man, and that man Andy Johnson. He has quite enough sins of his own to repent for, without undertaking to repent for the sins of others.

"When the several so-called States, which were created by Andrew Johnson, claimed admission into our national councils, the questions of the loyalty of their people, and the legitimacy of their pretended State organizations, were all to be passed upon as matters of fact. After investigations extending over the entire rebellious territory, the gathering of facts from every conceivable quarter and from all sources, the overwhelming weight of testimony clearly demonstrated that the pretended State organizations were the work of rebels, from which the truly loyal men of the South had been in a great measure excluded; that their people were still thoroughly disloyal in sentiment and purpose; that the assumption of the payment of the Confederate debt, the repudiation, if possible, of the national debt, the practical re-enslavement of the Freedmen, would be certain to follow from the action of the States, so soon as they secured their coveted position in Congress. So believing, Congress has resolutely refused to accede to the demands of Andrew Johnson, and has, thus far, kept treason out of our National Congress.

"The authority of Congress over this whole subject has been repeatedly asserted by its defamers, and can hardly admit of discussion. Secretary Seward, in his great speech delivered at Auburn in 1864, declares that after the war shall have ceased, 'all the *moral, economical, and political questions, as well questions affecting slavery as others*, which shall then be

existing between individuals and States and the Federal Government, whether they arose before the civil war began, or whether they grew out of it. *will, by force of the Constitution pass over to the arbitrament of courts of law, and to the councils of legislation.*' And in reply to Governor Marvin, of Florida, September, 1865, he states, speaking for himself and for the President, 'It must, however, be distinctly understood, that the restoration to which your proclamation refers, *will be subject to decision of Congress.*' The Constitution provides that 'Each house shall be judge of the election returns, and qualifications of its own members.' In judging of the elections is involved the right of inquiring into and ascertaining whether the electors possessed the right. For if the facts show that the applying member was elected by men who possessed no political rights or privileges, then, of course the judgment would be that there had been no election. And because the Congress of the United States have thus far exercised the authority, which the Constitution has given it, and it alone, because it has refused to restore to full share in the councils of the nation unrepentant, and yet defiant traitors, because it insists that when rebel States and people are restored to the Union, they shall come back upon terms of equality with loyal States and people, and not with an increased political power, as the result of their crimes; because it does these things, it is denounced as an *assumed* Congress, as a traitorous body, as usurpers.

"Refusing to adopt the hasty and inconsiderate action of the President; appreciating the seriousness of the task before them, and the absolute necessity of securing by sufficient guarantees the fruits of our victories; acting upon the assumption that the loyal people of the country would be satisfied with no settlement of these questions by legislation which was not as thorough and complete an overthrow of treasonable principles in politics as the defeat of their armies had been in battle, the Congress of the United States, after months of investigation and discussion, agreed upon a policy, and presented it to the people.

"The policy of Andrew Johnson and his supporters is the immediate restoration of Southern States to power irrespective of their present loyalty or disloyalty, without guarantees for the future, and without punishment for the past.

"The policy of Congress is to restore Southern people and States to their original relations with the Union upon their adopting the Constitutional Amendment agreed upon by Congress.

"Nothing more, nothing less, is required of the South than this.

"This Amendment is: 1. That all persons born or naturalized in the United States, and subject to its jurisdiction, are citizens of the United States, and of the States wherein they reside; that no State shall make any law abridging those privileges, nor deprive any person of life, liberty or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws. 2. That Representatives shall be apportioned among the several States according to their respective numbers; but when the right to vote is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the

United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation shall be reduced in the proportion which the number of such male citizens shall bear to the whole number.

3. That no person shall be a Senator or Representative in Congress, elector of President and Vice-President, or hold any office civil or military, under the United States, or under any State, who having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability. 4. Places the validity of the public debt of the United States beyond question, and deprives the United States or any State of the right to assume the payment of the Confederate debt.

"That there is nothing in either of these sections unjust to the South or prejudicial to the interests of the whole country, is obvious. That the negro is now a freeman no one has the effrontery to deny. Being a freeman, and born in this country, it would be difficult to tell what he is, if he is not a citizen. By his devotion to the cause of the Union, through the long years of the rebellion, he broke the chains which had held him a slave, and fairly achieved for himself the right to the name of a man and the privileges of a citizen. The question of citizenship which the South is now ready to admit should be placed beyond all contingencies in the future. The admission which they are ready to make to-day, as the price of their restoration to power, we desire that they may be compelled to respect, even after the price for which it was made has been paid. The section confers no right of suffrage, either directly or by implication. It simply declares the equality of all American citizens before the law; that the black citizen will be protected in his rights of person and property, as well as the white; that the rebel planter shall not be permitted to swindle the loyal and laboring negro out of his wages.

"The negro being then a citizen is entitled to the rights of a citizen. It would be wrong to permit those rights to be taken away from him, unjust to deprive him, without due process of law, of life, liberty, or property, or to deny the equal protection of the laws. It being wrong and unjust to deprive the negro of his rights, it is both right and just to prevent any State from committing such wrong and injustice. It is right for us to prevent the South from doing what it would be wrong for them to do.

"But the great clamor against Congress is based more particularly upon the second section of the article. The objection to this section goes very far to prove that the South do not intend in good faith to accept the results of the war. If they were at once admitted, as they claim that they should be, the inequality of power between them and the North, and in their favor, would be most glaring. Thus, under the present apportionment, South Carolina, with a vote of 35,000, has *four* representatives in Congress, while the free State of California, with a vote of nearly 109,000, has only *three*. And not only would there be this glaring inequality as an existing

fact, but South Carolina would *gain* one additional member of Congress as the result of the war, would secure not only a present inequality of representation in her favor, but a prospective increase of political power in the councils of a nation which through four years of war she had sought to overthrow. Thus is one rebel soldier in South Carolina made equal in political power to four Union soldiers in California to-day. And in 1870 would be made equal to five. And the loyal States, with nearly three times as large a vote, have only one hundred and fifty-six representatives, against eighty-five allowed the Southern States to-day, and which would be increased by eleven, as a consequence of the rebellion. And this is punishing treason! The negro is free, not by the generous concession of the South, but liberated by force of arms; free because his master, who waged war against his Government that he might rivet the chains still tighter, was conquered—subjugated if you will. The relation of master and slave having fallen, it is but proper that all political power which the master derived from that relation should cease also. Just so long as white men only are permitted to vote, none but white men are represented. My idea is, that in such case the fair rule is, that the number of representatives shall be governed by the number of people represented. If there are in a State 100,000 male citizens over twenty-one years of age, only 25,000 of whom vote, it is certain that 75,000 of the whole number go unrepresented. The interests and wishes of those 75,000 may be entirely adverse to the 25,000 who vote, and I am utterly opposed to any scheme under which such a state of things should continue to exist when the necessity for it has passed away. The Republican platform of 1864, declares of slavery, that ‘justice and the national safety *demand its utter and complete extirpation* from the soil of the Republic.’ But it is proposed by the author of that resolution and by the party in whose employ he now is, and whose addresses, manifestoes and declarations he writes, that the main structure of the institution may be destroyed, but that its scaffolding and supports shall still be left to offend the eye and disfigure the landscape. The work of extirpation is not completed until every statute which recognized it, every benefit to the master which grew out of it, every constitutional provision which secured and guarded it, every political power or privilege which resulted from it, is *rooted out* with slavery itself. For all these were but parts of the system, the limbs, the heart of slavery, and they are all foredoomed to ‘extirpation from the soil of the Republic.’ This great crime which, like a poisonous plant, grew, upon the soil of the Republic, carefully watched and tended by zealous friends, grew with ominous rapidity, until its far-reaching branches, lengthening day by day, threw their shadows all over the land; its roots struck deep and widespread into earth; from these the parent trunk sent forth its supports, and the odors of its blossomings lulled to sleep the patriotic vigilance of a nation, and numbed its conscience. The war waged against this gigantic crime by the Republican party, is not ended until the poisonous thing is utterly and completely extirpated. So long as a root, or limb, or fibre remains, our work is incomplete.

“Slavery is not extirpated so long as an atom of the political power which



resulted from it is suffered to remain. To still leave in the hands of the master the political power which he wielded as the owner of slaves, after the slaves themselves are free, is not the extirpation of slavery as I understand it. One of the supports of slavery was the power which the Constitution enabled the master to wield by counting the slave in the apportionment of representation. This was a part of the *system* which should be destroyed altogether.

"I am disposed also, in this connection, to look the facts squarely in the face. I find that in the one State of South Carolina there were, in the year 1860, in round numbers, 700,000 people. I find that of that number, 290,000 were four years engaged in attempting the destruction of this nation, and were its bitter and deadly enemies. I find that of this number, 410,000 sought to save this nation, and were its constant and unswerving friends. I observe that when Andrew Johnson discourses of the *rights* of the *people* of South Carolina, he simply means the 290,000 enemies, and does not mean its 410,000 friends. He charges that we are violating, by refusing those 290,000 people representation in Congress, the fundamental principle that there should be no taxation without representation, and that we are endeavoring to force negro suffrage upon the poor, taxed, unrepresented *people* of South Carolina. The constitutional amendment places it within the power of South Carolina to increase its representation in Congress by extending the right of suffrage to all its citizens. It leaves the question of negro suffrage with the States to determine for themselves. But I insist that a rebel white man shall not be permitted to represent or misrepresent the loyal and patriotic black man, without giving the latter an opportunity of making his own choice by whom and how he shall be represented. It is asking quite enough to let rebels represent rebels, limiting the number of rebel Representatives to the number of rebels represented, without demanding that the number of rebel Representatives shall be increased by adding to their traitorous constituencies three-fifths of the whole number of a loyal population who are not allowed to have a voice or vote in the matter.

"Isn't it about time for us, in talking about the rights of the *people* of South Carolina, to give some heed to the rights of those who are and always have been loyal, and particularly so where they are largely in the majority in point of numbers? Are these 410,000 loyal people of South Carolina represented anywhere? No. Are they taxed? Yes. Has anybody heard Moses entering any complains about that? Assuredly not. But it would be sad indeed, if we should *force upon* 210,000 rebels, malignant and unrepentant rebels living in the State of South Carolina, the necessity of permitting 410,000 loyal people who are citizens of the same State to a share in the management of its affairs.

"The constitutional amendment nevertheless does not do this. I only regret that it does not.

"The objection made to the third section of the constitutional amendment is that it disqualifies all the intelligent men of the South from taking part in public affairs, and that their services are now and will hereafter be



very much needed. If these intelligent Southern gentlemen had been a little more intelligent they would not have enlisted in the rebellion. They were traitors not because they had too much intelligence, but because they didn't have enough. I would prefer more loyalty, and less of that kind of intelligence which leads a man into the commission of treason.

"I have since the close of the war heard of only one man possessing that peculiar kind of Southern intelligence, who thought he had lost anything by not going with the rebellion, and that man was Andrew Johnson. I must be pardoned for saying that Andy's colored man Hiram, who sat on the sofa with him at the Inauguration ball, and who had the good sense to keep out of the rebellion, and to be glad that he did so, possesses a kind of intelligence that suits me better than his master's, and that to my mind will be infinitely more beneficial now and hereafter.

"That the National debt should be paid, and that the rebel debt should not be, is, I will assume, entirely just and right. If it is right that the South should bear with us their portion of the National debt, and should not be permitted to attempt the payment of the rebel debt it is quite right that they should be compelled to do what is right and prevented from doing what is wrong.

"But in this connection, Andrew Johnson loudly complains, and the declaration of his principles echoes the complaint that the seceded States are not permitted to take part in proposing these amendments. The sixth section of this declaration of principles asserts that in *proposing* amendments to the Constitution and in ratifying the same '*all the States of the Union* have an equal and *undefeasible* right to a voice and a vote therein.'

"Now, if this is sound doctrine, curious results would follow. I suppose that so accomplished a gentleman as the author of this 'declaration of principles' fully appreciates and understands the words which he employs. '*All the States of the Union* (he says) have an equal and indefeasible right to a voice and vote' in proposing amendments to the Constitution. According to Mr. Raymond's theory Virginia has never at any time ceased being a State of the Union. This right to a voice and vote in proposing amendments to the Constitution is, he says, *indefeasible, that is to say, this right cannot be defeated*; it has always existed, existed as well during the progress of the rebellion as before its commencement. So that at any time during the war, while the capital of the country was threatened by troops raised by the State of Virginia, which had withdrawn its representatives from Congress, and allied itself to an independent and a hostile Government, that State had still the right to propose amendments to a Constitution whose authority it denied and resisted, and to obey which when amended it would refuse.

"The indefeasible right to propose the terms of a contract, to which the proposer refuses to be a party, the obligation of which he denies, and to abide by and obey which he absolutely refuses, is a startling political discovery, which becomes still more remarkable, when added to the right to *propose* the terms, an indefeasible right also exists under all these circumstances to decide whether they shall be adopted.

"If this right is indefeasible, it exists at all times and under all circum-

stances. If, therefore, an amendment, in proposing which Virginia and the other seceded States have been deprived of a voice and vote, has been proposed and adopted, their right has been violated, and they would not be bound by any such amendment.

"These are the legitimate results of this doctrine. If it is sound, there never was a government so utterly helpless, so completely at the mercy of its enemies, as our own.

"And this proposition, as well as all the others of that party, is backed by the cry. 'The States have not been out of the Union.' A State cannot secede, in the same sense that a man cannot steal. It cannot legally, although it may in fact secede, and a man cannot legally, but the records of our courts show that many men do in fact steal. And so a State like Virginia is in the Union, in the same sense that the convicted thief is in Illinois. He is in Illinois, but he is also in the penitentiary. While there he has his rights, but they are the rights of a thief and not of a law-abiding citizen, and so Virginia, a rebel State, has its rights, but they are the rights of a rebel State, and not of a loyal one. The thief must serve his time out 'before he can be restored to his proper practical relations' with the people whose laws he has offended, and so must Virginia. The thief so long as he sees no chance for a pardon, or for an escape, 'accepts the situation' for the most excellent of reasons, he can't help it. Virginia accepts the situation for the same reason. But because the thief gave up the stolen property, when the officers of the law by force took it away from him, he does not thereby escape punishment for the crime, although, in the language of Andrew Johnson, the larceny was utterly 'null and void,' any more than Virginia does when she surrenders the forts and arms that she has stolen, because she was compelled by force to do so. Nor when the thief is brought to trial is he permitted to have a voice or a vote in proposing what his punishment shall be, nor in 'ratifying the same.' Nor will Virginia, while she is on trial at the bar of the country, be permitted to say upon what condition her guilt shall be washed away, and what securities shall be demanded for the future.

"If however, when Andrew Johnson was occupying the bench, a thief should be brought to trial before him, he would insist that it was a clear case of taxation without representation; that the criminal was taxed to pay the expenses of the jury while he was not represented upon it, and that therefore twelve thieves should at once sit with the twelve honest men in proposing measures of punishment and security, and thus taxation and representation would go hand in hand; there would be harmony and fraternal feeling; thirty-six stars on the flag, a copy of the Constitution at every railroad crossing, and a magic circle in every family.

"The constitutional right to amend the Constitution of the United States in the manner pointed out by the Constitution, I will take it for granted, exists, and that the nation can secure peace for the future in no other way is obvious. The object of Congress has been and the will of the people is that all questions growing out of the rebellion shall be settled permanently and forever. While it is not to be expected that the Southern

people are to be at once brought back to a genuine affection for the Union of these States, a love for the Government or a pride in its institutions; while it is quite probable that the recollection of the disastrous defeat which they have suffered, will rankle in their hearts for some time to come, yet it is possible to place it beyond their power, by legislation or otherwise, ever again seriously to imperil the security of our institutions. There is one way by which this result can be achieved, and but one way, viz: that adopted by Congress, the Amendment of the Constitution of the United States.

"Nor do the requirements which Congress makes of the rebellious States as a people, as the conditions upon which they shall be admitted to the position in the nation which they voluntarily abandoned, spring from any feelings of passion or hatred against either those States or their people. They are merely wise, prudent and essentially necessary precautions for the future peace and well being of the nation, theirs as well as ours. Fraternal feeling, about which our sobbing President has so much to say, is a good thing. It would be well if North and South were harmoniously united, but it is asking rather too much of human credulity that we should believe that a people who for over four years have waged a most causeless and malignant war against the nation, a war persisted in to the last moment, characterized by a hatred absolutely ferocious, and before and during which every proposition looking to peace on the basis of a restored Union, was defiantly spurned and spit upon, have suddenly, and the moment their armies were beaten, become devoted friends to the Union, into whose hands its honor and its interests might safely be placed. Wolves do not thus suddenly become lambs, and the prudent shepherd would certainly, before permitting the captured wolf to pasture with his flocks, require something more satisfactory than the assurance of the brute, that he acknowledged his defeat, cheerfully accepted the situation, and had lost all his former taste for mutton. He would insist that his claws be cut, his teeth be extracted, his mouth muzzled, and his *ability* to commit mischief thoroughly destroyed, although his disposition to do it might not be.

"Now, I ask in all candor, what evidences have the Southern people given us of their loyalty, of their love of the nation, or pride in its strength and greatness? They have laid down their arms, we are told. True, but why did they? The answer is obvious, not because they desired to, but because they were compelled to. Not that they hated the Union, and loved the Confederacy less, but because they hated death and loved life more.

"They acknowledge their defeat. True again. But the surrender of their armies and their cities proved that fact sufficiently to render it quite unnecessary that it should be corroborated by their admission, and yet their historian Pollard does not hesitate to say that there is still in the Southern heart the 'deathless, dangerous secret that they are the better men,' and that under different circumstances the cause which they now have lost, they may yet be able to win. 'They yield ready obedience to the Federal laws.' Assume that this is true; it proves nothing, except that the nation

is stronger than they. But the overwhelming weight of testimony is that they do not yield that ready and cheerful obedience to the laws of the Union which we have a right to demand. The fact is clearly established that it is possible to execute the provisions of the Freedman's Bureau and the Civil Rights bill only with the assistance of the army, and it is the almost unanimous opinion of army officers, including General Grant, that it is as yet entirely unsafe to withdraw the military from the Southern States.

"Not only is there this difficulty of enforcing such laws as happens to be distasteful to rebels, but their local courts do not afford to the Union men in their localities fair and impartial trials. The answer of General Sheridan to the President's inquiry whether the courts of New Orleans were not quite competent to administer justice there, indicates the general condition of the judiciary South. The answer was a most decided and unqualified negative.

"The vast volume of testimony taken by the Reconstruction Committee establishes beyond question the fact that the Southern people are still disloyal in sentiment and purpose; that they still entertain a deadly hatred towards the Government, and cherish and act upon the belief that they may yet, by some fortuitous political combinations, regain all the power for which they have waged four years of unrelenting war.

"That they are still true to the idea of secession is shown by the fact that their officers are selected, whenever they have the selection of them, from men notoriously identified with the secession movement, and, in most instances, from those who have fought in its armies; and that nowhere in the rebellious States would a Union man, one who had been known as such during the war, stand the slightest chance for an election to any office, against a secessionist.

"Not only are these things well known, but the fact that the unprecedented magnanimity with which they have been treated, so far from developing Union sentiment, has had directly the opposite effect, is as clearly established as any fact well can be.

"But we are assured that sufficient evidences of their loyalty are to be found in the facts that they have abolished their ordinances of secession, ratified the Constitutional Amendment abolishing slavery, and repudiated the Confederate debt. You do not need again to be told that none of these acts were voluntary, but that they were dictated by Andrew Johnson; that all these acts were adopted by them because they felt that they were compelled to do so; because, indeed, Andrew Johnson and Wm. H. Seward assured them that they *must* do so. It is well and wise for us to pause and to inquire, what do these evidences of loyalty, clearly the resort of pressure, amount to? What are they worth? How long would they continue in existence after the pressure is removed? Once admit these rebel States to Congress without further guarantees than we now possess for their good behavior, and all the evidences of loyalty gotten up to order which their last Legislatures created, would be undone at the next.

"Already Southern Judges are deciding that the work of the Constitu-



tional Conventions organized and called into being by Andrew Johnson, is utterly illegal and invalid. What the Legislature of a State does to-day, it may undo to-morrow, and as matters now stand, every right which the freedman is now entitled to enjoy, either by virtue of provisions made in their new State Constitutions, or by the acts of the Legislatures organized under them, may be taken from him by the decision of the courts that the Conventions, by which the Constitutions were made, were illegal and unauthorized, and that the Constitutions had never been submitted to the decision of the people; or by their repeal by future legislation.

"Slavery, we are told, is abolished, and the negro is free. But until the seed is so thoroughly destroyed that it may never again grow into life and be re-established, until the negro is not only free, but the enjoyment of that freedom is secured to him against all invasion in the future, slavery is not abolished, nor is the negro free, in the full measure which the nation requires.

"Like the fabled monster Briareus, slavery has an hundred arms, and like Proteus, may assume almost innumerable forms. With every hand it works mischief, and in every form that it assumes it is dangerous. Every law which deprives the negro of the enjoyment of any of the rights of a citizen, or interferes with him in the enjoyment of any one of those rights, is the handiwork of slavery, is one of the forms which it assumes.

"Until the negro is free, not only in the ownership of himself, but free to work for whom he pleases, free to have a voice in the making of his own contracts, free in the enjoyment of the proceeds of his own labor, free to invoke all the agencies of the law for the redress of his wrongs or the defence or enforcement of his rights, free to educate himself and his children, free to think as he pleases and to speak what he thinks, free as you and I are free, and certain that no power shall deprive him of it, the magnificent promise, made in our platform in 1864, that slavery should be extirpated from the soil of the Republic, remains unfulfilled.

"If we fall short in either of these things, and while we have relieved the slave from one form of bondage, suffer his old master to reduce him to another, we are false to our high pledges. The slave and all the world may then well say of us—

'And be these juggling fiends no more believ'd  
That palter with us in a double sense;  
That keep the word of promise to our ear  
And break it to our hope.'

"Slavery is not yet abolished. The negro is not yet free. For, if to-day we adopt the policy of Andrew Johnson, to-morrow every rebellious State has it within its power to annul all its previous action, and by such hampering legislation as their ingenuity would readily devise, reduce the negro to a condition of slavery *in fact*, whatever it might be in name.

"The same power which by legislation they might unless prohibited, exercise over the subject of slavery, they might also exercise as to the



assumption of the rebel debt and the repudiation of the national debt. That the rebel debt has been repudiated, and slavery has been declared abolished, in Mr. Raymond's declaration of principles, is not such a guarantee as the people demand. No platform, no set of resolutions, was ever suffered to long remain an obstruction in the path which led to the interests of slavery. The violated pledges of half a century warn us to put but little faith in promises in the future. 'Confidence is a plant of slow growth,' and it does not flourish well in a soil in which slumber to-day three hundred thousand of our bravest and our best, slaughtered to save the nation from the perfidy of those whose fresh promises it is now demanded we should unquestioningly accept.

"I fail to see why it is that if the rebellious States really and in good faith intend to accept the result of the war, and abide by the decision it has rendered; if they in good faith intend that slavery shall be abolished; that the rights of the freedman as a citizen shall be guaranteed and secured to him; that their political power shall not be greater than that of the loyal States; that the rebel debt shall be forever repudiated, and that our National debt shall ever be held inviolate, they should hesitate for one moment in exhibiting their faith by their works, in making such record of it that they may never be able, and so never be tempted to violate it, by incorporating the record in the Constitution of the United States.

"In no other way can the nation protect itself; in no other way can it make powerless for mischief in the future those who would have compassed its destruction.

"Honor and justice alike demand that thus much should be done, and it will be done.

"The President of the United States has, by the course which he has pursued, so thoroughly identified himself with the interests of that treason which we have defeated in the field, and which it is our duty to render powerless everywhere, that any discussion of these great questions would be incomplete, which did not include an examination of Andrew Johnson's record.

"To the examination of this record, he swaggeringly invites the people, and of it, challenges criticism. It would very much abbreviate our labors, if when being invited to an examination of 'my record' in conjunction with 'my policy,' the humble Accident would designate *which record* he alludes to. For leaving out of view his record as a cunning artificer of men's garments, garments which we are bound to presume, and I am willing to admit, were 'fearfully and wonderfully made,' and also his record as Alderman of Greenfield, where he first exhibited his love of freedom, by insisting upon the right of selling liquor without the tyrannical imposition of a license tax, he has three distinct political records.

1. When, as a pro-slavery Democrat, he denounced and opposed Douglas and supported James Buchanan.

"2. A paroxysm of loyalty and sense, lasting four years, during which time he was Military Governor of Tennessee, insisted that treason was a crime

and should be made odious; that traitors should take back seats, and that loyal men only, be they black or white, should participate in the work of reconstruction, and

"3. The return to his first love—manifested by a besotted and disgraceful harangue upon the occasion of his inauguration as Vice President; his stolid silence on the occasion of Lincoln's assassination; his precipitate haste in the work of reconstruction; his wild and incoherent speech on the 22d of February; his violation of all his past pledges and promises; his insulting defiance of Congress; his organization of a new party for the avowed purpose of destroying the one by which he was elected; his encouraging the murder of Union men at New Orleans, and his final swinging around the circle, hammering and getting hammered at this end of the line; the reception of the news from Maine, and threats to break up the next Congress.

"I shall confine whatever I have to say of Andrew Johnson's record to an examination of the last one, that being the one in which we are more immediately interested, and this can only be fully appreciated by possessing something of an understanding of the character of the man who made it.

"The record and its author are in perfect harmony. The man is no baser than the record, nor is the record baser than the man. The balance of villainy between the two is perfectly maintained. They sink, each, to the same depth of baseness; they rise, each, to the same bad eminence of scoundrelism, and taken together they are paragons of infamy. When we know the man, we cease to wonder at his record, and after we have fully appreciated the record, we are not surprised at its maker. Arm in arm, like the touching entree of a small man from Massachusetts with a big one from South Carolina into the Convention at Philadelphia, have Andrew Johnson and his record exhibited themselves to the country.

"It will be well for us to note primarily the surface peculiarities. A moment's inspection discloses an intense egotism and an unbounded vanity. 'I, my, me, us, our, we,' protrude with an offensive prominence, like warts, from the body of the record, and break out like a rash all over the speeches of the man. At one time he claims to be the Moses of the African; at another the Tribune of the people; at another the possessor of intellectual qualities like those of Andrew Jackson; at another a personal resemblance to Stephen A. Douglas; and at another that he is the representative of the people and the savior of his country. The imperfections of his temper are as striking as his egotism. Irascible, self-willed, impatient of contradiction, he counts every difference of opinion as an insult personal to himself, which he resents in the slang of a fish-woman, or in the brutal threats of a slave-driver. Thus he advises Governor Sharkey, of Mississippi, to extend the right of suffrage to colored people of that State, not as an act of justice to them, but in order to spite and foil the radicals, whom in the next breath he denounces as disunionists, for asking precisely the same thing, but with a higher and better motive. In a public speech, and on a public occasion he denounces one of his opponents by name as a dead duck, and others, by name, as traitors. He threatens to hang individuals whose offence is that they have opposed his measures, and to

'kick out' a Congress which he could not bully nor bring to his support. He denounces an intelligent and enlightened free press, because of its discussion of public measures, as a subsidized, a hireling and a mercenary press. Upon being informed that certain Union men at New Orleans had denounced him, he wreaks his vengeance upon them at once by directing the military power of the Government to assist in the suppression of a Convention to which they were delegates, and which is done by a massacre unparalleled in its atrocity; he seizes the occasion of a journey to participate in a solemn ceremonial, to insultingly denounce the great party of the Union as traitors, to vauntingly boast of his absence of dignity, and to engage in blackguard retorts with the crowd whom he was addressing. Enraged at a remark, that the assassination of Lincoln was unfortunate, he shamelessly retorts that the murder of Lincoln was God's justice. And upon an allusion to Judas, foaming with venom, he likens himself to the Saviour of mankind, and threatens to veto every measure that Congress sends to him. Upon any exhibition of the disapproval of his listeners, his fury becomes uncontrollable, and he impudently boasts that no power on earth, nor this side of hell, shall drive him from his position, and threatens internecine war.

"But he is as false and as treacherous as he is egotistical and ill-tempered. He promised to be the Moses of the negro. He has, in fulfilment of that promise, sought to deliver him into the hands of his old master. He said that treason should be made odious. He has succeeded in making it so only by the influence of his example. He promised that traitors should be made to take back seats, and in fulfilment of that promise, Monroe is Mayor of New Orleans, while Dostie is in his grave, Voorhees is Lieutenant Governor of Louisiana, while the body of the murdered Horton is not yet cold. Orr is Governor of South Carolina, while 419,000 loyal people in that State are deprived of political privileges. He declared that treason was a crime and should be punished, while hardly a loyal man fills an office in the South, and the punishment of rebels is by taking them into his confidence. He declared that they should be impoverished, and fulfils the promise by placing it within the power of unrepentant rebels to persecute Union men and drive them from their midst. He declared that treason was a crime, and should be so treated, and proves the sincerity of his professions by aiding with his sympathy, and with his power as Commander-in-Chief of the Army, the traitors and convicted murderers of New Orleans, in the cold-blooded slaughter of faithful and long tried Union men, while in convention peaceably assembled. He declared that in the work of reconstruction none but loyal men should participate, while in the reorganization of these State Governments loyal men have no share, and in the administration of their affairs are permitted to take no part. Elevated to power by the Republican party, he spurns the counsels of its leaders, and defiantly seeks to defeat the measures adopted by the representatives of that party and of the people. Not satisfied with this, he seeks its overthrow by the organization of a new party in the country, which derives all its strength from rebels at the South and

Copperheads at the North, and which he assays to build up by the distribution of official patronage, by removing from office, without cause, tried and trusted Union men, and putting in their places pliant tools of his own, or those who have always been bitterly hostile to the party by whom he was elected and to the principles which it has always espoused.

"He has deserted all his old friends, who were the friends of the Union and the country, for new ones who have always been the enemies of both.

"Defiant rebels of the South, who during the war perpetuated unparalleled atrocities in the starvation and slaughter of helpless Union soldiers, prisoners of war, are by him recognized and declared to be the only Union men of the South, while those who have been, through the long four years of the rebellion, hunted and scourged for their loyalty to their country and its institutions, are denounced as traitors and threatened with the halter. The hero of the barbarities of Fort Pillow, and his associates, to whose names still cling the ghostly horrors of Andersonville and Libby, are now the friends of Andrew Johnson and his policy, while Hamilton and Durant, and Speed, and their associates who were faithful when all others were faithless, are denounced as sneaks and disorganizers. He professes to be the friend of the people, yet the loyal people of the South, black and white, know him to be their betrayer. He boasts of his humble origin and claims to be the especial champion of the poor against the rich, and proves it by obsequiously prostrating himself before the moneyed aristocracy of New York City, and, at a twenty-five thousand dollar banquet pledging to them his support.

"He is as *malicious* as he is faithless.

"The malice in his heart is shown when he calls for the hanging of those in whom the people trust; when he declares that Congress is an *assumed* Congress, and intimates his intention of putting it out by force; when he speaks of the freedmen as the *assumed* freedmen, indicating clearly that he is prepared to contest their right to their freedom; that in his opinion it does not exist either in law or fact; that it is merely assumed.

"But his egotism, his vanity, his temper, his faithlessness, his malice, are all overwhelmed by the commission of a greater crime. I mean the massacre at New Orleans.

"On the 27th day of July, Andrew Johnson was advised by Voorhees, the rebel Lieutenant-Governor of the State of Louisiana, that the old Constitutional Convention was about to meet in New Orleans. To this dispatch no attention was paid. It was followed by one on the 28th of the same month in which the President is told 'You are bitterly denounced;' the names of the speakers, including Field, Dostie and Hawkins, are given, and he is advised that it is contemplated to have the 'members of the Convention arrested under process from the criminal court in that district,' and the significant inquiry is made: 'Is the military to interfere with the process of the court?' For a proper understanding of the facts it is well here to state that previously to the sending of this last despatch, General Baird, who, in the absence of Major-General Sheridan from New Orleans, had command



of the military there, had been consulted with, both by the rebel Mayor and the rebel Lieutenant-Governor, by both of whom he had been advised of the intention to suppress the Convention by the police, and between whom it was agreed that no such action should be taken. General Baird, conceiving that there was no danger of any disturbance unless it was brought about by the rebel city authorities themselves, plainly told the traitor Mayor and Lieutenant-Governor that he should not permit them to break up the Convention, by arresting the delegates, *without instructions from the President* to that effect, and so telegraphed the Secretary of War. So that at the time Voorhees sent his dispatch to Johnson, he had agreed that no attempt should be made to interfere with the proceedings of the Convention—had been distinctly advised that the military would not permit it to be done, particularly in the absence of instructions to the contrary, and knew, too, that General Baird had so advised Mr. Stanton. The dispatch of General Baird remained unanswered. The first dispatch of Voorhees to the President had remained unanswered, but the second one stirred the blood of the apostate, and, learning from an ingrained and out-and-out rebel, that a few of the Union men at New Orleans had denounced him, he rushes with brutal and criminal haste to the assistance of the rebels of New Orleans, and not only entirely overrules the action of a loyal officer, who had said to treason, ‘you shall not interfere with loyalty,’ but does *more* than he is asked to do, and in a dispatch to Voorhees tells him that ‘the military will be expected to *sustain* and not to obstruct or interfere with the proceedings of the court.’

“Let us pause long enough to realize the savage infamy of this order. The rebel civil authorities outnumbering ten, nay, an hundred to one, the delegates to that Convention, composed of a traitor mayor, a traitor judge, and a traitor police, upon which convicted murderers had been placed, desired nothing in the way of suppressing the Convention of loyal men, but *to be let alone*. They feared, and justly feared, the interference of the military against them. All they asked was that it should remain neutral; they had not reached that hardihood of impudence to expect that it would *assist* them. Observe that all that Voorhees asks of his master, is to know whether the military is to *interfere* with the process of the court? But the answer which he receives shows that Andy Johnson, in the interests of treason, is prepared to go farther than traitors care to ask. The military are directed, not only to interfere, but to *sustain* these rebel authorities in their work. Thus the soldiers of the Union, to whom Mayor Monroe had, but a few months before, surrendered the city of New Orleans, were directed not only to stand idly by and see this same defiant rebel, still by the grace of Andrew Johnson, Mayor of that city, aided by the same treasonable gang who had bitterly fought them through the entire war, in cold blood, causelessly murder the only men in that whole rebel State who had prayed for the coming of these Union soldiers, and who cheered them when they came; but they were commanded by this recreant President to aid, assist and sustain them in their murderous work.

“The long-tried, suffering, faithful friends of the Union, and of the sol-



dier and the soldier's cause, were not even afforded protection by those soldiers from rebel violence and outrage, but the soldier was told he must assist his old and his present enemies in the slaughter of his old and present friends. Feeling thus assured of the active sympathy of the President, the plan of suppressing the Convention by the arrest of its members, which Monroe and Voorhees had both agreed with General Baird should be dropped, was revived, and after deceiving the latter as to the time when the Convention was to meet, so that the military, in whom notwithstanding the order of the President these arch-traitors had but little confidence, should not be present, they proceeded at once to put it into execution. The manner in which that Convention was suppressed, with all its sickening details of murder and outrage has passed into history and will take its place alongside the horrors of the Fort Pillow massacre. While the slaughter of unoffending Union men was going on, Andrew Johnson telegraphs to the Attorney-General at New Orleans to call on General Sheridan or the officer in command for a sufficient force to *sustain the civil authority*. The civil authorities were sustained, but, thank God, it was not through any assistance rendered them by the soldiers of the Union. Long before the military could reach the scene of the massacre, the work was finished. The civil authorities needed no assistance. Spurred on, encouraged, directed and sustained in their bloody work by Andrew Johnson, their work ceased when the members of the Convention and their friends lay weltering in their blood.

"Dostie, and Field, and Hawkins, had paid the penalty of denouncing the recreant President with their lives. The friends of Andrew Johnson, gathering in hundreds around the building where the Convention was peaceably in session, opened, as we are told by General Sheridan, an indiscriminate fire on the building through the windows. The bearer of a white flag from the Convention was shot to death while carrying this signal of peace to the infuriated supporters of 'my policy.' White flags were then displayed from the windows; the firing ceased, but only to enable the 'civil authorities to make their deadly work the more certain. The police at once rushed into the building, and without a word of warning fired indiscriminately upon the audience. Retiring for fresh supplies of ammunition, they returned to their hellish work, and as the members of the Convention and their friends succeeded in making their escape, the policemen,' says General Sheridan, 'who formed a circle nearest the building, fired upon them, and they were again fired upon by the citizens that formed the outer circle. Many of these were wounded and taken prisoners, and those not wounded were fired upon by their captors and citizens. The wounded were stabbed while lying on the ground, and their heads beaten with brickbats. In the yard of the building, whither some of the colored men had escaped and partially secreted themselves, they were fired upon and killed or wounded by policemen. Some men were killed and wounded several squares from the scene. Members of the Convention were wounded by the policemen while in their hands as prisoners; some of them mortally.'

"This my fellow citizens, is the simple story of this great crime. It is the blackest page in our history. The men thus savagely murdered, it

behooves us to remember, were our friends, and the friends of our common country. It was because they were our friends, and our country's friends that they were murdered.

"If the people of this country suffer this atrocious crime to go unpunished, they do not deserve to have a country.

"If the nation tamely submits to see its truest and its best friends slaughtered in cold blood by its most deadly and malignant enemies; if it does not visit the full measure of its wrath upon the instigators and perpetrators of this crime, it does not deserve to exist as a nation.

"I have said that the egotism, the vanity, the malignity, the faithlessness of Andrew Johnson were all overshadowed by a crime greater than them all. For of all the guilty ones engaged in that work of massacre, Andrew Johnson was the guiltiest of them all. For before he had sanctioned it, the rebel Mayor and Lieutenant-Governor had abandoned their idea of suppressing that Convention.

"Andrew Johnson it was that advised it, that directed it to be done, that directed the military to assist in the work. If there had been no effort of that kind made, no blood would have been shed. It was by his order that it was made. He could have prevented the commission of the brutal savageries of the police force in New Orleans, as General Baird had proposed to do, and would have done, had he not been otherwise directed by the President.

"Every shot fired, every blow struck at the loyal victims of that day, was done because Andrew Johnson sanctioned and directed it, and it would not have been done without. He says to the Mayor of New Orleans and to every red-handed murderer whom that Mayor had placed on his police force, 'Go on with your work. You need fear no interference from the military. They will not obstruct, they shall *assist* you.' And thus encouraged, thus directed, they did go on with their work. The guilt of Andrew Johnson is not the guilt of an accessory; it is the guilt of a principal, under whose direction, and at whose instigation these murders were committed. It was for the advancement of his policy that the streets of New Orleans that day ran red with the blood of murdered Union men. And the savage tools who that day executed his will are the men into whose hands he has confided the interests of Louisiana, and under whose control he demands that that State shall at once take its place within the Union, and share in the control of its destinies.

"But the guilt of this great criminal is only yet half told. On the first day of August General Sheridan, who had but just returned to New Orleans, telegraphed to General Grant his version of the affair in which he declared that the Convention was suppressed in a manner so unnecessary and atrocious as to compel him to say that it was murder; that about forty whites and blacks were *thus* killed, and about one hundred and sixty wounded.

"The next step in this career of crime was to destroy the evidences of its existence, and accordingly Andrew Johnson mutilates this dispatch, suppresses all that portion to which I have referred, and publishes the remainder. But the proofs begin to thicken, and as the facts develop themselves

more fully to General Sheridan, the magnitude of the crime increases, and on the 3d day of August he again telegraphs to General Grant: 'The more information I obtain of the affair in this city, the more revolting it becomes. It was not a riot. It was an absolute massacre by the police, which was not exceeded in its murderous cruelty by that of Fort Pillow. It was a murder, which the Mayor and police of the city perpetrated without a shadow of necessity. Furthermore, I believe it was premeditated and prearranged.' It was impossible to garble this despatch. Its every sentence was the sure conviction of Andrew Johnson. But one course remained, and that was its suppression altogether, and in the meantime that General Sheridan should be unmistakably advised of the *kind* of information that he was expected to furnish. Andrew Johnson felt that for the murders at New Orleans he was on trial before the country. He knew how important a witness General Sheridan was. The despatches of the first and third of August showed him very clearly what the testimony of General Sheridan would be. He knew, too, full well, that if it went before the people, a great jury whom Presidents can neither bully nor bribe, conviction was inevitable. And so like many a criminal before him he endeavored to suborn, tamper with, and coerce the witness. Withholding from the public the despatch of August 3d, he, on the 4th day of August, for the first time, telegraphs General Sheridan, and he begins a series of leading questions, showing clearly by the manner in which they were framed, how he desired them to be answered and demonstrating clearly enough that the purpose for which these questions were put, was not for eliciting the truth, but to a favor certain hypothesis, regardless of the truth, to *make evidence*, and not to ascertain facts, with a statement of his case. He says:

"We have been apprised here that prior to the assembling of the illegal and unauthorized Convention elected in 1864, inflammatory, insurrectionary speeches were made to a mob composed of white and colored persons, urging on them to arm and equip themselves for protecting and sustaining the Convention in its illegal and unauthorized proceedings, calculated to upturn and supersede the State Government of Louisiana, which had been recognized by the Government of the United States.'

"It would seem from reading this pronunciamiento that Andrew Johnson, at Washington, proposed to inform General Sheridan at New Orleans, of what had transpired at the latter place. He at the outset declares that the Convention was illegal and unauthorized. It is well to inquire where this humble individual got his authority for such a declaration. It did not and does not rest in him to determine either of those questions. Dostie had as much power to decide that the Convention was legal and authorized as Johnson had to decide to the contrary, and neither had any authority in the premises. General Sheridan was neither lawyer nor judge. He was a soldier, and had taken a soldier's view of that question, that he had no business to interfere with that Convention until it had committed some overt act. Having thus assumed the functions of a judge, Johnson proceeds to advise Sheridan of what he had been apprised. But mark you, he nowhere asks whether that information was correct. 'We have been apprised here,'

he says, 'that prior to the assembling of the Convention inflammatory, insurrectionary speeches were made to a *mob*, urging on them to arm and equip themselves,' etc. His informant was *Voorhees*, and the information was, as the country has since learned, false, and as Andrew Johnson might then have well known. After thus laying down his platform he proceeds to interrogate General Sheridan, in this wise: 'Further,' he says, 'did the mob assemble, and was it raised for the purpose of assisting the Convention in its usurpation?'

"He might as well have said, 'General Sheridan. I command you to say that the friends of the Convention were a mob, and that the Convention itself contemplated usurpation.' He then inquires whether 'any arms have been taken from persons supposed to be connected with this *mob*, and have various *individuals* been shot and killed by this *mob* without good cause.' The mob to which he refers was the Convention and its friends; the individuals were the police and city authorities, whom General Sheridan had already denounced as murderers. Observe that through all this despatch there is an amazing obliviousness of the murder of helpless and unoffending Union men, the evidence of which lay spread out before him. With a cruelty inconceivable, he has no word of inquiry for them. 'Forty of them, he has been informed, have been killed, and one hundred and sixty wounded; yet he desires to hear nothing on that head. His anxiety was simply to protect the murderers whom his own hands had armed, to hide the murders which his own orders had instigated. He asks also whether steps had been taken by the civil authorities, whom General Sheridan the day before had stigmatized as murderers, to arrest and try all those engaged in this riot, which General Sheridan had already advised him was not a riot but a massacre. In other words, he desires to know whether the murderers had succeeded in arresting all the Union men whom they had not succeeded in murdering, and then to close the door against any possibility of escape, in order that where rebel knives and bullets had not been effectual, all the loyal men of New Orleans who had escaped that kind of death, might be handed over to the not less brutal treatment of a rebel judge and a rebel jury, he inquires whether ample justice cannot be meted out by the *city authorities* to all offenders against the law. In other words, whether the civil authorities, who, by premeditation and prearrangement, had causelessly murdered forty Union men, would not mete out ample justice. To these questions, infamous beyond precedent, their author, the chief among these malefactors, desires an early answer.

"The answer came, but it was not such an one as Andrew Johnson had dictated. He had in General Sheridan, the hero of the Five Forks, no suppliant tool, no fawning cur to deal with. He had a soldier who had fought for the Union, and who loved it, who had fought against treason, and who hated it. To this despatch General Sheridan, on the 6th day of August, telegraphs an answer. I have already, in describing the proceedings after the meeting of the Convention, used the language employed by General Sheridan in his answer.



"It also appears that the delegates numbered twenty-six; and of the friends of the Convention, there were on the outside of the building eighteen or twenty colored men, women and children; on the inside, perhaps fifty more, and that not one in ten was armed. The eighteen or twenty colored men, women and children made the fearful *mob* which loomed in such vast proportions before the frenzied imagination of Andrew Johnson. The *real cause*, General Sheridan says, of the massacre, 'was the bitter antagonistic feeling which has been growing in the community since the advent of the present Mayor, who in the organization of the police force, selected many desperate men, and some of them *known murderers*.' This Mayor was Monroe. He owes his place to Andrew Johnson, and it is Andrew Johnson's policy that keeps him in it. He was Mayor of New Orleans when that city surrendered to Butler. He is Mayor of New Orleans now. The murderers whom he placed upon the police force were and are the friends of Andrew Johnson, supporters of his policy, and the bloody work which they did was done by his direction.

"The General also informs the President that it is useless to attempt to disguise the hostility that exists there towards Northern men; that if the matter is permitted to pass over without a thorough and determined prosecution of those engaged in it, frequent scenes of the same kind may be expected there and in other places; that no steps had been taken by the city authorities to arrest the citizens engaged in the massacre, or the policemen who perpetrated such cruelties; that *the members of the Convention* had been indicted by the Grand Jury, and many of them arrested and held to bail, and that Judge Abel was one of the most dangerous men in New Orleans to the peace and quiet of the city.

"As I have already said, this answer was sent the 6th of August. Days and weeks passed away, and the country was kept in ignorance of this despatch, as well as the one of the 3d of the same month. Both despatches were damningly conclusive of Andrew Johnson's guilt, and Andrew Johnson knew it. He suppressed them both. But the hero of the Five Forks refused to be placed in a false position before the country, and threats of his resignation brought forth the publication of these despatches on the 24th day of August. And it is thus that 'my policy' is vindicated, a policy which thus far has been fruitful of nothing but murder and outrage; a hostility towards Northern men; a denial of justice to them by the courts. These are the evidences of that loyalty which Andrew Johnson and his followers claim is sufficiently manifest to entitle the people of the State of Louisiana to immediate representation in Congress.

"On the 6th of August, Johnson is advised that unless those engaged in the massacre at New Orleans are subjected to a thorough and determined prosecution, frequent scenes of the same kind may be expected there and elsewhere.

"But we have yet to hear that a single one of the guilty participants in that massacre has been arrested. By thus passing unheeded the advice of Sheridan, he invites the consequences which Sheridan says will follow.



He invites the repetition of those acts, the murder of Union men at New Orleans and elsewhere. Sheridan recommended the removal of that 'bad man,' Mayor Monroe, but Monroe still continues to be Mayor of New Orleans.

"Six weeks ago Andrew Johnson was informed that no steps had been taken to arrest the citizens engaged in the massacre, or the policeman who perpetrated such cruelties, and we have to learn that a step in that direction has yet been taken.

"And so the record stands that Andrew Johnson, knowing their guilt, shields and protects these murderers at New Orleans. *But the members of the Convention have been indicted* by a rebel jury, arrested by rebel officers, and held to bail by rebel courts. Guilty of no offence, and advised of their innocence, Andrew Johnson suffers this added outrage to go unpunished, and in order that the law may be trampled upon and over-ridden, and justice denied them, suffers Abel to continue a Judge after being told that he is a dangerous man to the peace and quiet of New Orleans.

"The man guilty of all these crimes is to-day President of the United States. This is his policy. With the blood of the slaughtered Union men of New Orleans upon his hands, he makes the tour of the loyal North, insults its sentiment, defies its representatives, and threatens more violence in the future.

"He knows the people but poorly. They are as resolutely resolved to save this Union to-day as they ever have been. That purpose, rest assured, will be achieved, and whoever stands in the way of its accomplishment will be crushed finer than powder."

## CHAPTER XI.

### THE CAMPAIGN OF 1868.

MR. STORRS ELECTRIFIES THE PEOPLE OF MAINE—A TRIUMPHAL PROGRESS—  
HIS EFFORTS IN HIS OWN STATE—THE DEMOCRATIC PARTY UNCHANGED  
AND UNREFORMED—THE RECONSTRUCTION MEASURES—THE FOURTEENTH  
AMENDMENT—"DEAD ISSUES"—WHAT THE REPUBLICAN PARTY HAS  
ACHIEVED—PENDLETON'S REPUDIATION PLAN—THE RECORD OF HORATIO  
SEYMOUR.

FOUR days after the close of the impeachment proceedings and acquittal of Andrew Johnson in the United States Senate, the Republican party held their fourth National Convention at Chicago, May 20th, 1868, and adopted a platform declaring that the Southern States had forfeited their position in the Union by secession, and could only be re-admitted on terms satisfactory to Congress. They nominated General Grant for President, and Mr. Colfax of Indiana for Vice-President. The Democrats met at New York in July, and nominated Horatio Seymour and Frank P. Blair. Their platform demanded that the Southern States should immediately and unconditionally be given representation in Congress, and that the regulation of suffrage should be left to the States. The campaign was one of the most exciting in the history of the country, and the people affirmed the right of Congress to lay down rules for the re-admission of the rebellious States, by an overwhelming and decisive majority.

Mr. Storrs took an active part in the campaign, and stumped the State of Maine on behalf of the Republican candidates during his summer vacation, besides making several speeches to large gatherings in the State of his adoption on his return home. His Maine audiences were enthusiastically delighted with him. His

humorous illustrations and strong power of invective were something quite new to them. The account of how he was discovered by the State Committee is interesting. The *Boston Journal*, of August 24th, said of him: "This able and eloquent young Western orator is doing good yeoman service in Maine. He is completely electrifying the people, and is accomplishing much good. Mr. Storrs is not extensively known in New England. He was visiting the sea-coast of Maine for rest and recreation; but letters from the West to prominent Republicans there spoke of him in such glowing terms that he was sought out, and on the 5th instant, at the Lancaster Hall (Grant and Colfax headquarters) dedication, he spoke with Hon. George S. Boutwell of Groton. It was the best stump speech listened to for years, and at once the Republican State Committee secured him, and he has been speaking nightly ever since. He spoke again at Portland on the 19th and the City Hall was a complete jam and the greatest enthusiasm prevailed. Mr. Storrs is a young lawyer, for years a resident at the West, and has a large and valuable first-class practice, standing among the leading members of the profession. He possesses a full and melodious voice of rare power, and a highly educated mind, of keen thought and research, and his arguments are rapid and strong. Notwithstanding the solidity of his forensic qualities, his wit, sarcasm, and invective are unequalled, making the rare requisites of a first-rate stump speaker. The 'Down Easters' have been revelling in the glorious benefits of his services, and we learn he will be in Boston in the course of ten days. We hope a grand Republican mass meeting will be held at Faneuil Hall, and Mr. Storrs be invited to address the people here."

The Portland *Daily Press*, August 11th, reports one of Mr. Storrs' first meetings in a brief despatch from Augusta, which says,—“Hon. E. A. Storrs, of Chicago, addressed an immense assembly of the people at this place this evening. Hundreds were unable to gain entrance at the hall. Large delegations came up from Hallowell and Gardiner to hear this eloquent orator of the West, who, as he entered the hall, was received with a perfect storm of applause.”

The Portland correspondent of the *Boston Journal* thus reports Mr. Storrs' speech at that city on the 19th of August:

"The Republicans of this city held, this evening, at the City Hall, the largest and most successful rally for years. The hall was crowded and overflowing. Long before the meeting commenced, the galleries were filled with ladies. Gen. Mattocks made a most pertinent speech upon assuming the chair. Hon. E. A. Storrs of Illinois was then introduced, and was received with a perfect storm of applause. His speech was one of the grandest efforts ever listened to in Maine. In ability, keen argument, lofty sentiment, and persuasive eloquence, it has not been equaled. It cannot be reported with justice. Cheers, loud and strong, were given at the close of the address for Mr. Storrs, for Grant and Colfax, and the good cause."

The Portland *Daily Press* gave the following report of the meeting :

"We made a mistake when we urged that Mr. Storrs should be kept in this State, whether he was willing or not. The fact is, Portland is especially proud of the City Hall, and regards its capacity as absolutely illimitable. Mr. Storrs has dispelled that little illusion and brought us to grief. Perhaps three quarters of the people that wanted to hear him last night got a chance to sit, or stand, or roost. It was a magnificent example of close packing. Not an inch to spare anywhere. The ladies regarded the proposition that they should occupy the galleries as decidedly cool. It couldn't be done. They invaded the floor and the stage—a welcome incursion they made, too. They were out in greater numbers than ever seen before in this city at a political meeting. Hundreds of our citizens went away, being unable to obtain an entrance to the hall.

"N. A. Foster, Esq., chairman of the city committee, called Gen. C. P. Mattocks to the chair. General Mattocks then introduced Mr. H. C. Lovell, who led off in singing "Grant goes marching on," in which the whole assembly joined, with inspiring effect. The grand old "John Brown" song, whose prophetic notes were sung through all the southern land by Union soldiers, never sounded more impressive and appropriate. Then General Mattocks made a very brief introductory speech, which was quite a model for that sort of an effort.

"Then came Storrs. It needed not the applause and the cheering notes of the band to tell him he was welcome. Every face present beamed with welcome and with delighted anticipation.

"Mr. Storrs said that we had supposed that the war had accomplished at least two things,—the liberation of the Southern negroes, and of the Northern Democrats. The slavery of the latter was quite as oppressive as that of the negro; politically they had been under the whip of the slave driver for twenty-five years. But they seemed to like it. Let them continue it if it suited them. In time of war, the Republican party was a war party. In time of peace, we are a peace party. We are in favor of peace now. The Democratic party during the war were in favor of peace. Now that we have conquered a peace, they are in favor of war.

"The only issue distinctly presented by the Democratic platform is found

in the declaration that the reconstruction laws of Congress are unconstitutional, revolutionary, and void. It is their declared purpose, in the event they succeed, to disperse the State governments organized under those laws. This, during the next four years, could only be accomplished by force. The employment of force for that purpose is war. The rebellion did not operate to deprive the government of its rightful power over the seceding States and their people. It did, however, impair and very seriously affect the rights of those States and the people thereof, within the Union which they sought to destroy. The larceny of an overcoat does not affect the title of the rightful owner; it does, however, very seriously affect the rights of the thief after he is caught. At the close of the war, the Southern States were without organic law, or any power to make any. Their existence as Confederate States had been destroyed by our act. Their existence as States within the Union had been destroyed by their own act. Mr. Lincoln declared that the State Government of those States had been subverted, and that the people had forfeited their political privileges. Upon this theory Johnson acted. He appointed State Governors; he fixed suffrage qualifications. Our work was not the restoration of the old government; it was the constitution of new ones. Johnson, however, in his message contended that the State governments had been merely suspended. That theory implies that at the close of the war, the rebel people and governments were at once remitted to all their old rights and privileges within the Union; so that nothing remained to restore to the rebels all their suspended privileges. In other words, just as often as we beat them during the war they gained their former privileges; and just as often as they defeated us they lost their political power and rights in the Union. Accordingly a Confederate victory in the field was the loss of Confederate rights within the Union, and a Confederate defeat, finally, was the restoration of all their suspended political privileges.

"Congress having the power to wage war, had, as a necessary consequence, the right to wage it according to the laws and usages of war. A civil war is governed by the same rules as control different nationalities in war with each other. The relations subsisting between the rebels and the government at the close of the war were those of conqueror and conquered. We conquered the Confederate armies, the Southern people, and the Confederate State governments. Our victory was their political annihilation. Our rights were the rights of the conqueror. We compelled the surrender, not only of their armies, but of the political ideas for which they fought.

"In the process of reconstruction, the question was, What share in the reconstruction of the government shall be entrusted to those who have sought its destruction? The Republican party has decided this question. Their policy has taken its final shape in the fourteenth amendment. Under their policy eight States have been brought back into the Union. And again we are confronted with the question, Should this policy be reversed, and the demand of the Democratic party for immediate and unconditional restoration be complied with? The reversal of that policy is the overthrow



of all that we have achieved by the war. That accomplished, we need not talk about taxation. The result would not merely be a burden upon the nation; it would be the ruin of the nation. To such a policy, Horatio Seymour stands committed.

The Democratic platform, the national debt, and Horatio Seymour's record, were then reviewed in turn and in a manner that attracted and held the closest attention of the audience and elicited the heartiest applause. His comments upon the platform adopted at the New York Convention were severe but just. The leaders of the rebellion framed that platform, and went into the Convention demanding the immediate restoration of the seceded States and amnesty for all past offenses, and the platform framed by those who had planned and led on the rebellion was adopted as the platform of the Democratic party. His remarks in relation to the national debt, and the justice of meeting our obligations, not by promises in greenbacks, but by a just payment of them, met with a hearty response from every one present. Horatio Seymour's record was presented in a true and just manner. The orator traced his tortuous course from 1861 to 1868, especially when he was Governor of the State of New York, and quoted from his addresses to prove that at heart he was in favor of the secession of the Southern States. In alluding to the speech Governor Seymour made to the mob of New York, whom he styled "my friends," Mr. Storrs said,—"referring to the work of Governor Seymour's "friends" in the murder of Colonel O'Brien and the burning of an orphan asylum,—“Don't you wish General Chamberlain had been there with four Maine regiments, and General Logan with four Illinois regiments? These proceedings would have been quickly stopped, and the number of Democratic voters somewhat lessened." Mr Storrs closed his address by taking up the parable of the prodigal son, and comparing the conduct of the south and their present demands with those made by him of scripture history.

"Mr. Storrs spoke two hours, his remarks being frequently interrupted by the enthusiastic applause of his hearers, enchainning the closest attention of the largest audience ever convened in the hall."

Editorially, the same paper said:—"The speaker's review of Mr. Seymour's status during the war and now, was the most powerful analysis of human character that we ever heard in a like effort. His picture of the July day of 1863, before the former had heard of the 'promised victories,' was from a master hand. Indeed, it was, throughout the two hours, an entertainment that is not offered to any people very often, and the prolonged interest of the occasion has seldom been witnessed in this community. The audience was moved to tumultuous enthusiasm by the closing portions of the address, and it may justly be set down as one of the most interesting and significant political meetings of many years."

He was next heard from at Waldoborough, which seems to have been one of the Maine Democratic strongholds. The reporter of the *Portland Press* gives the following account of his appearance there:

"Hon. E. A. Storrs of Chicago was next introduced. He said it was a pleasure to him to bring greetings of good cheer from the people of Illinois to those of Maine. He *did* bring good cheer. From the first word he spoke to his eloquent and pathetic peroration the excitement and enthusiasm of the audience were almost unprecedented. The famous declaration of a despairing reporter, who said in reference to an eloquent orator that 'it was impossible to report the aurora borealis,' would apply to Mr. Storrs. In reference to him and the speech he delivered last night, we can only say this: Let the Republicans in any doubtful part of the State—if there is such a place—compel him, by violence if necessary, to address them. Let him expose the meanness of the Democratic opposition to negro suffrage, with the keen and polished satire and exuberant wit in which he is singularly felicitous; let him *play* Horatio Seymour, as he did last night, leaving him exposed to the world in all the hideousness of his treason-stained character; let him make the comparison between Seymour, 'the patent leather hero of New York,' prating of the Constitution while civil war threatened the life of the nation, to the man who in the midst of a storm at sea besought his fellow passengers to save his marriage certificate while he left his wife to sink gurgling into the water; let him not forget to travesty the Democratic story of 'the prodigal son.' If these measures are taken with Mr. Storrs, we will insure a large Republican majority even in Waldoborough."

Another meeting at Bath, in the same State, on the 25th of August, is thus reported in a special despatch to the *Boston Journal*:

"A large mass meeting was held on the Park this evening, which was presided over by Hon. Henry Tollman, a faithful adherent of the Democratic party for the past forty years, but who now repudiates the nominations of Seymour and Blair, and will support Grant and Colfax. The gathering was held for two hours by one of the most eloquent arguments ever listened to by a Maine audience, from the great orator from the Western prairies, Hon. E. A. Storrs. The speaker was received with immense cheering and was often interrupted by most enthusiastic applause, and the meeting closed with rousing cheers for the speaker, Governor Chamberlain, and Grant and Colfax. Not less than three thousand people were present."

The *Boston Daily Advertiser*, in its editorial summary, noticed Mr. Storrs' campaign efforts as follows:

"There is no mistake about their being wide awake in Maine. The Republicans will carry the State by a large majority; but they are determined to increase on their vote of last year, and

the unusual animation of the Democrats has had a very good effect in stimulating our friends to extra exertions. Among the numerous excellent speakers now in the State is Mr. Storrs, a lawyer from Chicago, who is doing excellent service. He is a capital stump speaker, with a pleasing eloquence and abundance of wit and humor. He spoke in Brunswick on Monday evening (August 24th) to the largest political gathering ever assembled on the Mall, and in Bath last evening. It is matter of regret that his time is limited, but we are glad to learn that he is to speak in Boston on his return home."

His next speech in Maine was at Bridgton, in the northern part of the State. An immense gathering of Republicans from the surrounding country, numbering from four to six thousand, was held in a grove in the afternoon, and in the evening Mr. Storrs addressed a meeting at the Town Hall. The *Portland Press* said that the hall "was crowded to its utmost capacity, while hundreds remained outside. Hon. E. A. Storrs, of Illinois, made one of his telling speeches, occupying almost one hour and a half. This gentleman has done good service for the Republican cause in this State, and his closing speech at Bridgton was well calculated to arouse the enthusiasm of every Republican present. It was the greatest demonstration ever got up in the northern part of the State."

Returning to Portland, Mr. Storrs made his farewell speech at a large and enthusiastic rally, of which the Portland correspondent of the *Boston Daily Advertiser* gave a graphic description:

"Last Friday evening, the little Republican army, to the number of 400, marched through the streets with their torches and transparencies, and really made a fine display. Several flags were raised, and the 'wide awakes' participated. Many of the houses along the line of march were illuminated, and other demonstrations were made to show the interest and appreciation of those who were honored by the visit of the torchers. The houses on Munjoy Hill especially attracted the attention of every one, flags being flung out, in many of them every window being illuminated, with here and there quite a display of fireworks. When the procession reached the Falmouth Hotel, on its return from Munjoy, Hon. E. A. Storrs of Chicago was called out, and made a short speech. The Republicans have had no one here,

this year at least, who has been so favorably received as Mr. Storrs. His arguments and his peculiar manner of putting his points seem to captivate his audiences, and it is to be regretted that he cannot be prevailed upon to remain in this State and 'stump' till November."

The *Portland Press*, in its report of the demonstration, said:

"Upon arriving in front of the Falmouth Hotel, Hon. E. A. Storrs of Chicago, who is a guest there, was called out. Of course he was ready. The more speeches he makes, the fresher and more entertaining he grows. He spoke in most encouraging terms of the prospect in this State, and assured his hearers that Illinois would answer Maine's 20,000 with a majority of 40,000. He described in humorous language the solemn procession of Copperheads and conservatives that will on the third of November wend its weary way up Salt River. The effect of Mr. Storrs' remarks was, as usual, electric, and all his hearers most earnestly hoped that he had not made his farewell speech to the citizens of Portland."

A parting tribute was paid him by the *Boston Journal*, September 7th:

"Hon. E. A. Storrs, the eloquent young Western orator, who has been doing such excellent service in the campaign in Maine, reached this city yesterday on his way home, and will remain until Monday. He bears with him to his Western home the thanks of the thousands of Republicans in Maine who have listened to his eloquent words, and have been stimulated by them to more earnest effort in behalf of the good cause. From what he has seen on his tour in Maine, Mr. Storrs is confident that Maine will 'roll on the ball' which Vermont started last Tuesday."

From these notices of the first campaign in which Mr. Storrs was prominently engaged, it would seem that he had thus early encountered a difficulty which always troubled him down to the last ten years of his life,—the want of adequate reporting. The Maine papers found that he "could not be reported with justice," and one of them likened the attempt to "reporting the aurora borealis." Even in Chicago, at that day, short-hand reporting was in its infancy, and most of the verbatim reports of speeches by public men were printed from their own manuscript, or not at all. Mr. Storrs was quick to observe and prompt to accom-

moderate himself to the exigencies of the crude newspaper staffs of that period; he wrote out his speeches with his own hand or by the aid of a clerk, and the newspapers were exceedingly glad to publish them. During his trip in Maine, which was meant for a holiday but was turned into a season of very hard campaign work, he had no opportunity to furnish the press with a copy of any of his speeches. The impression he made by his personal address is sufficiently conveyed by the quotations made above from the Maine and Boston papers; to those of Chicago we must turn for a textual report of his argument.

In the fall of 1868, after his return home from the East, he addressed a large meeting at St. Charles, Illinois, on the issues of the campaign. The Chicago *Tribune* published his speech in full. It is here reprinted from its columns.

"In 1860 the Democratic party forfeited public confidence and was driven from power. In 1864, it demanded that it should receive from the people the confidence it had forfeited four years before, and asked to be restored to power. The nation answered this demand, and with overwhelming majorities declared that it was not entitled to public confidence, and that the reasons which had induced the people to drive it from power in 1860 had been intensified and multiplied. Two years later, in 1866, they again went before the people, their claims were re-examined, and, with increased emphasis, rejected. To-day, the same party again appeals to the country and again asks that the interests of the nation be entrusted to its keeping. It is our business to inquire: First, whether the three verdicts given against the Democratic party were righteous verdicts; and second, if they were, what they have done since then to restore confidence in them. That the verdict rendered against the Democratic party in 1860 was a righteous one, I will not attempt to prove to you here. That party sought to fasten the institution of slavery upon free territories. It sought to protect it there by all the powers of the General Government. It appealed to the people for aid in this wicked purpose, and the people righteously refused it. Nor need I spend much time in demonstrating that the verdict of 1864 was warranted by all the facts in the case. It then declared the war an experiment, and the experiment a failure; demanded that hostilities should cease, which would have resulted in the immediate recognition of the independence of the Southern Confederacy by every foreign power. The righteousness of the popular verdict rendered in 1866 was equally clear to us. The rebellion having been crushed by force of arms, the Democratic party insisted that neither rebel state nor rebel citizen had lost anything by his crime; that he should be permitted to dictate the terms of his re-admission to the Union which he had sought to destroy, and should be made the custodian of the interests of a nation which he had wickedly sought to overthrow.

"Assuredly, then, the Democratic party cannot successfully ask us to



restore them to power, on the ground that our former judgments against it have been erroneous, nor can it ask us to reverse the decisions delivered by the people in 1860, 1864 and 1866. Their claim for support must rest, not upon the ground that they were innocent of the crimes of which the people convicted them at those great public trials, but that, confessing their guilt, they have atoned for it by public services since rendered, of a character sufficiently important to entitle them to a full and complete pardon from the people against whom they had offended. And hence it is that the demand made by the Democratic party to-day for power cannot be entertained, unless it has either an entirely new set of leaders, or different views upon the questions which have divided the country for the past eight years, from those which it has held for the past eight years, or unless all those questions have passed out of political controversy, and have been replaced by entirely new issues.

"That the leaders of the Democratic party are the same they have been for the past eight years, every one knows. Seymour and Vallandigham, Pendleton and Belmont, Henry Clay Dean and Brick Pomeroy were leaders in the Democratic party in 1864 and they are leaders in the same party in 1868. Wade Hampton and Toombs, Fort Pillow Forrest and Beauregard were leaders in the Democratic party in 1860; their operations North were suspended by four years of war, at the close of which they promptly fill their old positions as leaders in the Democratic party of the nation.

"Not only has there been no change of leaders, but there has been no abandonment of the position which the party has held on political issues. They denounced coercion as unconstitutional. We have yet to learn that their opinions have met with any change on that point. They opposed every measure adopted by the administration for the prosecution of the war. They denounced the first call for troops as unauthorized. They denounced the proclamation of emancipation as unconstitutional. They opposed the means adopted by Congress for raising money, as unconstitutional. They claimed that the conscription law was revolutionary, unconstitutional and void, and sought to prevent its execution by force. They declared the war a failure. We have yet to learn that they do not hold these opinions still. These were questions which we discussed up to the close of the war. With reference to them, the position of the Democratic party is unchanged, and our verdict must be the same that it has always been.

"It is true that they have assumed a somewhat different form, but in substance there has been no change. They are the same to-day as when the rebellion began and closed. In his last message to Congress, James Buchanan, the last Democratic president, declared that the government had no authority to coerce a State. The limit of national authority, he said, was to assist the judges and the marshals, and they having all resigned in the seceding States, there was nobody to assist and consequently nothing could be done. James Buchanan died a Democrat. The Attorney-General, Jeremiah S. Black, wrote a long opinion holding the same doctrine. Horatio Seymour declared that an attempt at coercion was no less revolutionary

than secession. This, at the outbreak of the war, was the position of what then remained of the Democratic party as a political organization. But the people believed that the government could coerce a State, and the attempt was made. Three years afterwards, and in 1864, the Democratic party declared the attempt a failure. In other words they said: 'We told in 1861 you could not coerce a State. You have tried and you have failed. Your failure proves that you cannot coerce those States.' Up to that time certainly the issues were the same. But the surrender of Lee having demonstrated that a rebellious State and its people could be coerced as a matter of fact, because they had been and were coerced, the same question again arose when the nation proposed to reconstruct and rehabilitate those States. Having defeated the rebellion in arms, overturned their entire political system, and conquered the people of the rebellious States, we insisted in 1866, that they must recognize the validity of the national debt contracted to suppress the rebellion, that the freedmen should be entitled to citizenship, and that slavery, to perpetuate which the rebellion was inaugurated, must be abolished. We insisted in 1866 that upon the recognition of these ideas, and their incorporation into the organic law, depended a return to them of the full enjoyment of political privileges within the Union. Our right to make these demands was denied. The Democratic party claimed that those rebellious States, immediately at the close of the war, occupied a position of entire equality with the loyal States, and that the government had no right to coerce them into a delivery into the hands of the nation of the results and fruits of the victories which the nation had achieved over them. In other words, that party declared to the government, 'you have no rightful power to coerce a State; you can make the attempt; you may overcome the armies which rebellious States call into the field; but your success and their defeat give no rightful superiority of position over them. You have no right to affix terms of their re-admission, because you have no right to coerce them.' Under such a doctrine victory to the nation brought no results.

The people, however, decided, in 1866, that they had the right to dictate terms to a conquered rebellion, and demanded that their representatives in Congress should exercise that right. Refusing to accept the constitutional amendments proffered by Congress, that body undertook by a series of measures called the reconstruction acts, to enforce substantially those terms upon the South, in other words, to coerce them into yielding up to the nation the fruits of the victories which it had achieved. As a result of these measures, what has been known as the Fourteenth Constitutional Amendment has been adopted, which declares: 1. The citizenship of the negro, and protects it from invasion by any State legislation. 2. Denies representation for those citizens who are deprived by State legislation of the right of suffrage. 3. Deprives certain classes of rebels of the right of holding certain offices, conferring, however, upon Congress the right to remove the disability. 4. Establishes the validity of the public debt and repudiates the rebel debt, and finally, confers upon Congress the power to enforce those provisions by appropriate legislation. Under these measures, eight of the seceding States have been re-admitted, they having paid

the price of their admission by the ratification of this amendment to the Constitution. This, indeed, looked like coercion. It was as complete a coercion of rebel political ideas and principles as the overthrow of Lee's army, and its forced surrender was a coercion of the military power of the Southern States.

"True to the old instincts—preferring that the old issues should still be kept alive and the old questions still be agitated—the Democratic party met in National Convention at the City of New York, on the 4th day of July, 1868, and solemnly declared that the reconstruction measures of Congress were usurpations—revolutionary, unconstitutional and void. If that declaration be true, and such be the opinion of the people, as a matter of course the fourteenth amendment falls with those measures of which it is the offspring. The State governments organized under it also fall, and it will indeed be true that the General Government has no power to coerce a State in rebellion against its authority. It may conquer by mere force, its armies, but all such measures as it may see fit to adopt to secure the results of its victories will be 'usurpations—revolutionary, unconstitutional and void.' Whether this nation has a right to coerce a State in rebellion against its authority into obedience to its authority, and whether to render that coercion effectual it may demand guarantees for future peace, is the distinct question put to the people by the Democratic party in its platform. It is the same question which we have thrice settled at the ballot box within the last eight years. The position of the Democratic party on that question is unchanged. And so I confidently believe the position of the people on that question is unchanged and unchangeable. This fourth decision at the ballot-box will, I believe, be final.

"The Democratic platform not only denounces the reconstruction measures in the general language which I have quoted, but it takes direct issue with almost every provision of the fourteenth amendment. It denies to the freedmen one of the highest attributes of citizenship, the right of suffrage, and demands that the exercise of that right shall be regulated by the citizens of rebellious States, who were the nation's enemies, against the freedmen, who were the nation's friends. It demands that the national debt created to crush the rebellion shall be paid in an irredeemable promise, thus destroying its validity declared in the fourteenth amendment, and adding to the crime of repudiation all the calamities of a worthless currency, or the imposition of onerous and unendurable taxation. It demands the taxation of the Government bonds, none of which being held in the rebellious States, would devolve additional burdens upon the loyal people of the country. It demands the immediate restoration of all the States, of course without condition. Such a declaration of principles opens every question which the war settled. It renders our victories valueless; for if the seceding States are to return to the Union in precisely the same position they left it—which would be the case were the reconstruction measures of Congress declared by the voice of the people revolutionary, unconstitutional and void—the war is a failure. Five hundred thousand lives have been sacrificed, and three thousand millions of dollars expended in vain.

“And yet with such a platform of principles, and with candidates upon it who propose to carry it out by force, we are constantly told that all discussion of the war and its results is the discussion of a dead issue. They entreat us to ‘let bygones be bygones,’ and to ‘let the dead bury its dead.’ With a platform that would upset all that the war has accomplished, we are asked to say nothing about the war. With a platform which thrusts into our very faces every issue that the war settled, and demands that even by violence those issues must be resettled, and in another way, which demands that we shall repudiate every vote we have given for the last eight years, we are asked to forget the past. Wade Hampton, with the smoke of burning loyal homes still clinging to his garments, whose hands are red with the blood of our brothers and our sons, and Forrest, fresh from the atrocities of Fort Pillow, demanded that the States which they carried into and aided in rebellion, shall suffer nothing for their great crime, and beseechingly entreat us to let bygones be bygones. If a forcible attempt is made to despoil you of your property and destroy your homes, you can hardly regard such an attempt as a bygone, until it is adequately protected against all future attacks of the same character. But it would be quite in keeping with this Democratic platform for the robber and the incendiary yet hovering around your home, kept at a respectful distance by barricades which you had erected, and watchmen whom you had placed about it for its protection, to denounce those barricades and watchmen as revolutionary, unconstitutional and void; and whenever you referred to the old robberies and burnings, to entreat you to let bygones be bygones. I apprehend that, coming from the old robber and the old incendiary, you would regard a proposition to remove your watchmen and barricades, as a renewal of an attempt to despoil your property and burn your home, and as, substantially, the same old question. Such a barricade, guarding for the future the results of our victories, protecting us against rebellion in the future, is the fourteenth constitutional amendment. It is demanded by those who sought to destroy the nation, that that barrier be removed. It is the same old question. I make the same old answer—No.

“The Democratic party having done nothing to win back your confidence, has the Republican party been guilty of any acts which would justify the withdrawal of public confidence from it? Mr. Pendleton, in his speech at Springfield, arraigns the Republican party before the people, and proposes that it be tried and convicted on its history. By its history we are quite willing that it should be tried. By that test let it stand or fall. If within the comparatively short period of its existence, it has achieved nothing for the cause of humanity and the interests of good government; if under its sway freedom has made no progress, and the nation itself no advancement, it deserves to forfeit public confidence; it deserves removal from power.

“In detailing the history of the Republican party, Mr. Pendleton in his speech at Springfield, said: ‘The Republican party, on the other hand, is not of long duration. It was founded in 1856, upon the ruins of the old Whig party. But all who were sectional, all who were fanatical, all who hated the Constitution, all who hated the Union, all who were dissatisfied,



went into the Republican organization, and they carried with them many dissatisfied Democrats. I need not tell you that the infancy of this party was marked by the bloody troubles in Kansas, and by the invasion of Virginia by John Brown of Ossawatimie. I need not tell you that its advent to power in 1860 was marked by the destruction of the harmony which up to that time had existed among the people; that it was marked by an attempt at dissolution of the ties which bound our States together; that it was marked by the sorrows and miseries of the greatest civil war of which history has given us any record. But these parties,—the Republican party and Democratic party—to-day stand where they stood in the beginning, carrying out to their logical conclusions the principles upon which they were founded.'

"It is not of decisive consequence in determining the merits of the Republican party from its history to know how its infancy was marked, nor by what events its advent was marked. It is true that its infancy was marked by the bloody troubles in Kansas, but it is equally true that those bloody marks upon the infancy of the Republican party, and upon the history of the nation, were all made by Democratic hands, and all bear the impress of Democratic fingers. The question is not so much what were the marks, but who made the marks? The bloody troubles in Kansas were the outgrowth of a wicked attempt of the Democratic party and a Democratic administration to force upon that territory, against the will of its people, by violence and fraud and bloodshed, the blighting curse of slavery. It is equally true that during the infancy of the Republican party, John Brown with thirteen men, invaded Virginia. For an attempt to liberate the slave he was tried and hung. That the Republican party was responsible for John Brown's raid Mr. Pendleton dare not assert. The men who hung John Brown were Democrats. The body of the old hero was hardly cold in its grave before his executioners had kindled the flames of civil war, had been guilty of the vilest treason against the nation and are now demanding the overthrow of those laws enacted to prevent another rebellion. The memory of John Brown's executioners will be handed to infamy. But though 'John Brown's body lies mouldering in the grave, his soul goes marching on.'

"The advent of the Republican party to power was, Mr. Pendleton informs us, marked 'by the destruction of the harmony which up to that time, had existed among the people.' It was a curious kind of harmony which existed during the administration of Pierce and Buchanan. 'Order,' it was once said, 'reigns in Warsaw.' The Poles had all been slaughtered. It was the order which despotism brings about, by the destruction of those who chafe under it. It was the quiet of death. The Poles all massacred, order reigned in Warsaw. The voice of freedom having been hushed, and her slightest utterance choked, harmony prevailed, for the slave-driver had everything his own way. We are also told that the advent of the Republican party was marked 'by an attempt at dissolution of the ties which bound our States together.' That is true, but the truth of the statement is the everlasting disgrace of the Democratic party. The attempt at dissolution was made by the Democratic party, for no other reason than that



Abraham Lincoln was elected President of the United States. It was an attempt of measureless wickedness and causelessness, which Mr. Pendleton did not attempt to prevent, but rather urged on by saying to those actively engaged in it, 'I would mark their departure with tokens of affection, I would bid them adieu so tenderly that their hearts would be touched by the recollection of it.' For the wickedness of this attempt and for the attempt itself, Mr. Pendleton and the Democratic party are alone responsible. They made no effort to prevent the attempt being made; they put forth no exertion to prevent it succeeding. The infamy of this attempt rests alone upon the shoulders of the Democratic party. The humiliations and disasters of its defeat should be born by them alone, and the glory of its overthrow belongs alone to the great loyal people, who proved themselves as able to meet and overcome the Democratic party in the field, as at the ballot-box. Mr. Pendleton also graciously assures the liberty-loving men of this country that their advent to power was 'marked by the sorrows and miseries of the greatest civil war of which history has given us any record.' This is true again, and it is also true that for that war, and all the sorrows and miseries which it entailed, the Democratic party is alone responsible. These sorrows and miseries are indeed marked deeply upon the history of the country, and their guilty authors will not soon be forgotten. The responsibility for that gigantic crime, and the griefs resulting from it, as a part of the burdens which the Democratic party must carry down with it through all history, is engraved upon the heart of every mother whose boy died in the great cause; it is witnessed by the tear of every widowed wife whose husband fell from Southern bullets, or perished ultimately in a Southern prison-pen. There is not a desolate home in all the land, nor a deserted fireside, made so by this wicked rebellion, that does not bear eloquent testimony that all those marks of desolating grief were made by Democratic hands. And all the countless graves of the slain heroes of the republic are marks of misery and suffering made by Democratic rebels, not only on the peaceful advent of a great party to power, but upon the pages of our country's and the world's history. All these 'marks' which Mr. Pendleton flourishingly parcels, were made by the Democratic party. When the burglar can safely denounce the merchant, because his advent to a prosperous business was marked by a robbery of his substance; when the incendiary can denounce his victim because his advent to his new home was marked by its conflagration, then let the Democratic party, North and South, denounce the Republicans because their advent to power was marked by the miseries of a war which Democrats began by an attempt at dissolution, in which they alone engaged. We gladly accept Mr. Pendleton's challenge, and will test the claims of the Republicans by what the Republican party has achieved.

"It entered the field in 1856, a protest of the best thought, the highest culture and the soundest heart of the country, against the aggressions of the slave power. On behalf of the dignity of free labor, free speech and free thought, it appealed to the highest motives, and its appeal was nobly answered.

"Its first great achievement, resulting from the election of Abraham Lincoln, was the rescue of our vast Western Territories from the grasp of slavery, and from its blighting effects upon the interests and dignity of labor, and the dedication of those territories, now prosperous States, to free labor and to free men. Against this great achievement, up to this time the grandest event in American history, the Democratic party rebelled. Having saved the territories to freedom, the Republican party entered on the second stage of its career, and its second achievement, wrought out with more than one-half the Democratic party of the nation in open arms against it, and the other half in covert opposition, was the salvation of this nation, for all peoples and to all ages, as the sacred custodian of the priceless treasure of free government. Its great career was not ended. Having crushed the rebellion, it determined to rid the country of the evil out of which rebellion grew, and the nation of the foulest stain, resting upon its fair fame. It entered at once upon the third stage of its career, and for its third achievement in the interests of humanity, for the cause of good government and in behalf of the downtrodden and the oppressed, declared that 'neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.' And yet its work is not finished. It is now closing the fourth period of its history, and preparing finally, to consummate its fourth achievement.

"The salvation of the nation, wrought out through the perils of the mightiest rebellion which history records, involved the building of great fleets, the raising and equipping of gigantic armies. For these purposes a great national debt was incurred. And that debt the Republican party proposes to pay.

"It entered upon the great contest with four millions of slaves in the rebellious States, who, during the entire period of the war, were our friends, and hundreds and thousands of whom fought for us. It found those slaves at the close of the war free men. It proposes to make them citizens, and protect them in the full enjoyment of their rights as citizens. Having crushed the rebellion, it proposes to protect the nation against its recurrence, and to withhold from those who sought the destruction of the national life any share in the control of our national destinies until they have furnished us the surest evidences that the national interests can be safely entrusted to their hands.

Thus having carried the nation safely through the perils of the rebellion, it proposes to gather together the fruits of all its triumphs, and imbed them in the Constitution of the United States, secure for all the future in the Fourteenth Amendment to the Constitution, wherein are secured national honor, the freedom of the slave, and national security for the future, as a fitting consummation of the great work of the Republican party, for the people and for the world. The same opposition which it has encountered at every period of its progress it now encounters. The Democratic party, which opposed it in its efforts to give the territories to freedom, which rebelled when the effort proved a success, which opposed it in its great

effort to preserve the national integrity, which opposed it when it gave freedom, opposes it now, when it seeks to embody all these results in the organic law, and threatens to tear down the sanctuary in which they are enshrined, and denounces the great measure by which these results have all been gathered together as usurpations revolutionary, unconstitutional and void.

"These are the great events in the history of the Republican party. Considering the mighty consequence of what it has accomplished, it would seem that it has crowded a thousand years of history into eight short years of time. It found our territories in the clutch of slavery; it broke its hold and dedicated them to freedom. It found the nation beset by spies and encompassed by treason, trembling upon the very brink of ruin; it rescued it from danger. It saved the only free government on earth. It found four millions of human beings slaves; it gave them freedom. It has lifted four millions of chattels out of the night and barbarism of slavery into the clear pure air of American citizenship. It has for the first time made American citizenship a living reality—has made citizenship broader than the mere boundaries of a State; has made it in its privileges co-extensive with the whole nation. It has vindicated the national faith, and if the people permit, will secure to all the future domestic prosperity and tranquility, honor and respect abroad. It has vindicated the capacity of men for self government, and a united Italy and a united Germany follow closely upon and result from the example of a united nationality in this great Republic. All these mighty results, the most cheering for our hopes of humanity, has the Republican party accomplished in eight short years? Test it by its history. Judge it by what has been done, and when you have found that all the parties of which history gives us any record can produce nothing to compare with these results, you will decide as you have decided, that whatever mistakes of detail it may have committed, it is still entitled to the largest measure of our confidence; that we are prepared to say to it, 'Well done, good and faithful servant.'

"Besides the general charges which Mr. Pendleton makes against the Republican party, and to which I have already alluded, he makes several specific allegations against it, the most important of which seems to relate to the constitutional amendments. Mr. Pendleton professes an almost idolatrous admiration of the Constitution, insists that our fathers who made it were wise men, and he said in his speech at Springfield, speaking of the Constitution: 'I charge upon you who are Democrats . . . do not seek to amend it, do not seek to change it.' We yield nothing to Mr. Pendleton in admiration of the Constitution. We appreciate as fully as he does the wisdom of our fathers who made it. But we admire it not alone for its 'checks and balances' of which he has so much to say. We do not regard it as a mere political 'teeter.' We admire it among other reasons because it was made by the people of the United States 'in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.' We admire it for the

ample shield of protection which it throws about the citizen in time of peace. We admire it for the tremendous armory of power which it furnishes the nation in time of war. We think its framers were wise men, and they exhibited their wisdom by embodying in the Constitution provisions for its amendment.

"This nervous anxiety about amendments to the Constitution is a new thing with the Democratic party. When, in 1860, Mr. Chittenden, for the purpose of coaxing the South back into the Union which they had determined to destroy, proposed amendments to the Constitution dedicating vast tracts of free territory to slavery, and pledging it the protection of the nation, even against the will of the people of those Territories, no Democrat opposed such an amendment. They not only did not oppose it, but Mr. Pendleton among the number, gave it most hearty and cordial support. Again, when that distinguished Democrat, Mr. Vallandigham, proposed such an amendment of the Constitution as worked a radical change in the very structure of our government, by having two Presidents, one from the North and one from the South, Democratic objectors were silent. Again, when Horatio Seymour proposed a very essential amendment of the Constitution, which was nothing less than the substitution of the Montgomery Confederate Constitution in the place of our own, Democrats did not seem to be particularly alarmed, nor were they entreatingly besought to take the Constitution home with them and place it on the family altar next the Bible, where they might watch it in the intervals of their slumbers, and dream of it when sleep oppressed their eyelids.

"This new-born anxiety in the Democratic mind about amending the Constitution springs from the fact that the thirteenth and fourteenth amendments are in the interests of freedom, while the others proposed were additional guarantees for slavery. Accordingly, Mr. Pendleton particularizes his objections to the amendments. He says in his speech delivered at Bangor, Maine, on the 19th of August, in the course of his enumeration of the offenses of the Radicals: 'Twice since the close of the war they have used all the power which the possession of the government, both State and Federal, has given them, to amend the Constitution, and in each case the amendment has been in derogation of the substantial, important, recognized rights of the States. By the first of these amendments the power of the State over slavery within its limits was abolished. By the second, citizenship is dependent upon the will not of the State, but of Congress, and the exclusion of negroes from suffrage is punished by loss of representation.' Who will tell us, in the face of such an avowal as this, that we are discussing dead issues? The great leader of the Democratic party still clings to slavery, objects to its abolishment, and denounces the Republican party, because, by an amendment of the Constitution, it has destroyed slavery. Being opposed to the abolition of slavery, believing with his party, that those measures by which its abolition was effaced are revolutionary, unconstitutional and void, Mr. Pendleton would, of course, if he had his way, restore it. This amendment, as well as the fourteenth, he pronounces a 'derogation of the substantial, important, recognized rights of the states.'



This is simply declaring those amendments void. The freedom of the slave stands or falls with the amendment. Mr. Pendleton insists that they shall fall together; that the thirteenth amendment shall fall because it gave freedom to the slave. He would also deprive the freedman of his newly acquired citizenship, would maintain the old basis of representation, would, in short, undo all that has been done and bring us back to the halcyon days of harmony under Pierce and Buchanan.

"Mr. Pendleton in his speech at Portland, delivered on the 23rd day of August, emphasizes his attack upon the Republican party, and reiterates it by declaring, as one of the crimes of which the Republican party has been guilty against the South, that 'it has destroyed their labor system; it has converted three million of industrious negroes into very bad politicians.' The labor system to which Mr. Pendleton alludes, is the institution of slavery. One of the peculiarities of the system was that it was all work and no pay. Mr. Pendleton complains that this system has been abolished, hopes for its return, and, to bring his hopes to fruition, demands that the Republican shall be driven from power. He might as well attempt to set time back, to roll the tides back upon the sea as they flow upon the land. But the exhibition of such an intense Bourbonism as this may well make us despair of ever having any new issues with the Democratic party. Mr. Pendleton is kind enough to furnish us the reason why he should not give political power to the negro. In his speech at Portland, he said, in speaking of the negro: 'I would not admit him to political power because I believe he is of a different race from ourselves. I am in favor of maintaining this a white man's government.' A discussion of such a topic as the origin of our species, the diversity of races, and whether the Almighty made of one flesh all the nations of the earth, perplexes political controversy. After a long disputation and controversy on the question, 'In what consists personal identity,' or more specifically, 'What was it that made Peter Peter and not John and John John and not Peter;' the schoolmen at last reached the very satisfactory conclusion, 'That John's identity consisted in his Johnity and Peter's identity consisted in his Petricity or Peterness.' Results equally satisfactory may be anticipated in attempting to determine the measure of the political rights of a citizen by the race to which he belongs. The vexed question of races is one which would not be satisfactorily solved at the ballot-box, and no competent political tribunal at present exists which may decide to what race the applicant for suffrage belongs. Without going very deeply into that subject, the Republican party contents itself that all human beings are entitled to human rights, and that all the citizens of the republic should stand on a footing of political equality. The questions of intellectual and social equality it leaves to be determined by what each man may do for himself, believing that every man should have the largest liberty in doing for himself in the way of social or intellectual development all that he can do. But it seems that our Democratic friends propose to determine a citizen's right to vote by physiological, anatomical, ethnological and purely scientific tests. For this purpose we may expect the endowment of a university, headed by Mr. Pendleton,



assisted by those able *savants*, Messrs. Morrissey, Rynders, Dean and Pomeroy, and before whom the negro's right of suffrage shall be subjected to the just, but, nevertheless, stern and relentless tests of science. Before such an able body of professors, I think I see as students, the earnest searchers after truth from the Sixth Ward in the City of New York, numerous appearing, armed with a copy of Cuvier's 'Animal Kingdom' under one arm, the 'Vestiges of Creation' under the other, and in their pocket a copy of the Democratic platform. Upon comparing the *astragalus* of a negro with the *astragalus* of a white man, it may be found that they differ. From this important fact will be deduced the conclusion that they are of different race and denial of political rights to the negro would follow as a natural consequence, not from prejudice against the negro, but out of glory to science. What the result might be, if it were found that the same difference in the *astragalus* existed between different white men, I cannot undertake to say; and the results which might flow from the adoption of the theory of the growth of human beings from oysters up to monkeys and through successive stages of development until creation flowered and blossomed out into the perfect Democrat, are fearful to contemplate.

"Ages of slavery are not likely to develop great intellectual activity, and, to a certain extent at least, may the negro's want of intelligence be ascribed to the condition of bondage in which he has been kept. A slave no longer, the problem is, how he may be made sufficiently intelligent to discharge all the duties and exercise all the privileges of a citizen wisely and well. It is very clear that to limit his opportunities for self-improvement would not result in a satisfactory solution of this problem. Mr. Pendleton seems to belong to that class of politicians who are in the habit of laying it down as a self-evident proposition, that no people ought to be free till they are fit to use their freedom. 'If men are to wait for liberty until they become wise and good in slavery, they may indeed wait for ever.' It may be that there are evils resulting from the newly acquired freedom of the slave. But as Macaulay has well said, 'There is only one cure for the evils which newly-acquired freedom produces—and that cure is freedom! When a prisoner leaves his cell he cannot bear the light of day; he is unable to discriminate colors or recognize faces. But the remedy is not to remand him into his dungeon, but to accustom him to the rays of the sun. The blaze of truth and liberty may at first dazzle and bewilder nations which have become half blind in the house of bondage. But let them gaze on and they will soon be able to bear it.

"Mr. Pendleton demands that this shall be a white man's government. Whether he intends to exclude from the privileges of this free government all men who are not white, he does not clearly set forth. If this demand means anything however, it must mean that none but white men shall be permitted to be citizens. For if negroes, under any circumstances, are permitted to become citizens, this certainly would not be exclusively a white man's government. The result of this doctrine clearly would be to deprive the freedman of his newly-acquired citizenship, and that such is the purpose of the Democratic party, appears not only from their platform denoun-

cing the legislation by which that citizenship is declared and secured as unconstitutional, revolutionary and void, but from the exposition of that platform by the leading members of the party, Mr. Pendleton among the number.

"It is insisted, however, that the questions of citizenship and suffrage should be left exclusively to the States. Under ordinary circumstances this would be so. But for the nation to have submitted the absolute dominion over our friends in the seceding and conquered states to our enemies in those States, would have been an act of injustice so outrageous and so gross as justly to have called down upon us the reproaches of every nation on the face of the globe. In the process of reconstruction the injustice of submitting to the rebel the decision of the extent of the rights of the freedman is too obvious to admit of comment. When the Democratic party insists that the people of the rebellious States shall decide who shall be citizens and who shall be voters in those States, they do not mean what they say, for by the people they mean, not the negro, who has achieved his citizenship by his loyalty, but the rebel, who has forfeited his privileges by his treason. And hence in the decision of this question the freedman, who is especially interested, shall have nothing to say, while the rebel shall have everything to say. If the citizenship of the negro in the rebellious States, is to be recognized as a matter of fact, it would seem clear that the enjoyment of the privileges of civilization should be secured and guaranteed him. If to protect him in the full and complete enjoyment of those rights the ballot is necessary, I for one would confer it upon him. I would make the gift no idle one. I would have it real and substantial. I believe that in the States covered by the reconstruction measures the ballot is absolutely necessary to protect the negro in his newly acquired rights, and, believing that, I would give him the ballot, feeling well assured that he who had sufficient intelligence to throw the weight of his influence in favor of the nation in its struggle for its existence, and sufficient courage and patriotism to peril his life in the nation's defense, would be quite as likely to use the ballot wisely and well as he who waged for four years a rebellious war against the nation.

"The denial of the right of Congress to legislate upon these questions proceeds upon the assumption that the seceding states and the people thereof lost nothing by their rebellion. Mr. Pendleton in his speech at Bangor declares, with reference to the seceding States, that their State governments 'were in full vigor and operation before and during and after the war.' With reference to the vigor of those State governments before the war, no question is made. But that they were in full vigor as State governments within the Union during the war we deny. We recognized their vigor as State governments during the war. They vigorously raised troops and vigorously carried on war against the nation. They did these things as State governments outside the Union, and as members of the Southern Confederacy, and it seems somewhat curious that such exhibitions of vigor which we finally succeeded in pulling down should be adduced as reasons why we have no control over them now. Had there been during the war less

vigor of this kind there would have been less cause of complaint on our part. Had there been more vigor the nation would have been destroyed. Had there been no vigor, such as was exhibited by the Confederate State Governments, there would have been no war. That those State Governments had during the war no vigor within the Union which they were seeking to destroy, is a fact which cannot be upset by any amount of plausible theory. If during that time they were as a matter of fact State governments within the Southern Confederacy, they were not within the Union. They could not be within both the Confederacy and the Union at the same time. The task of showing that during the rebellion, the Southern States were not, as a matter of fact, members of the Southern Confederacy may safely be left to Democratic orators and statesmen. If they could have been argued out of the Confederacy and into the Union, that remedy would certainly have been employed during the war. If it could have been made efficacious, its cheapness compared with the vast armies which we were, as we supposed, obliged to employ to effect that object would certainly have been a great recommendation in its favor.

"Nearly two hundred years ago the British nation was called upon to face very much such a theory as the one now insisted upon by Mr. Pendleton and the Democratic party. King James II. was a model conservative. His character bears many striking resemblances to that of Andrew Johnson. It is said of him by an eminent historian, 'The obstinate and imperious nature of the King gave great advantages to those who advised him to be firm to yield nothing, and to make himself feared. One State maxim had taken possession of his small understanding and was not to be dislodged by reason. His mode of arguing, if it is to be so called, was one not uncommon among dull and stubborn persons who are accustomed to be surrounded by their inferiors. He asserted a proposition; and as often as wiser people ventured respectfully to show that it was erroneous, he asserted it again in exactly the same words, and conceived that by doing so he at once disposed of all objections.' By various acts of parliament, penalties had been imposed and tests applied against particular individuals, depriving them of office, and James proposed to exercise the dispensing power so as substantially to annul those acts of Parliament. This he called 'my policy.' Finding Parliament refractory, he determined to call together a new Parliament, and in doing so employed precisely the same agencies to secure a Parliament favorable to his purposes, as were resorted to by Andrew Johnson in 1866. Returning officers were appointed, directed to avail themselves of the slightest pretence to declare the King's friends duly elected. Every placeman, from the highest to the lowest, was made to understand that if he wished to retain his office, he must support the throne by his vote and interest. A proclamation appeared in the *Gazette*, announcing that the King had determined to revive the commissions of peace and of lieutenancy and to retain in public employment only such gentlemen as should be disposed to support his policy. The Com-

missioners of Custom and Excise were ordered to attend his Majesty at the Treasury. There he demanded from them a promise to support his policy, and directed them to require a similar promise from all their subordinates. One Custom house officer notified his submission to the Royal will by saying that he had fourteen reasons for obeying his Majesty's commands,—a wife and thirteen young children. But with all these precautions, James failed, as Andrew failed. The new Parliament were more stubborn and refractory than the old had been, and finally James fled the country, took his son with him and went to France. And there the question arose whether the States were out of the Union. At once there arose in Great Britain a party who insisted upon the theory that there could be no vacancy in the throne; that James not being dead, the throne was not vacant, and that, accordingly writs must run in his name. Acts of Parliament must be still called from the years of his reign, but that the administration must nevertheless be confided to a regent. Macaulay says that 'it seems incredible that any man should really have been imposed upon by such nonsense. And yet it had great weight with the whole Tory party. The difficulty was solved by the British people, very much as the loyal people of the country have answered the Democratic theory. 'We recognize,' said the British people 'the general correctness of the theory, as a legal proposition, that the throne can not be vacant. But whatever the theory may be, we look at the throne, and see that as a matter of fact, no one occupies it. It is vacant.' They accordingly declared the fact as they saw it—that the throne was vacant—and, being vacant, they proceeded to fill it. And they did fill it in a way which secured constitutional liberty to the British nation down to this day. And so the people of this country recognize the fact that for four years the rebellious States were out of the Union; that they did establish and sought to perpetuate an independent government; that their places in the Union were vacant; that their seats in Congress were vacant. That they had no right thus to rebel we well knew; that the right to exercise national authority over them was never destroyed we also well knew. That their secession did not impair the rights of the nation over them we perfectly well understood; but that it did impair their rights within the nation we believed was equally clear. Their argument is based upon their own wrong, and they claim that they lost no political rights by rebellion because they had no right to rebel.

"The position of the Confederate States during the war was defined to the entire satisfaction of the loyal people of the country by Mr. Lincoln in his amnesty proclamation, December 8, 1863. He there declares that by the rebellion the loyal state governments of several States 'have for a long time been subverted;' that the national authority has been suspended; that we are to reconstruct and re-establish loyal state governments, and that the concessions demanded by him were in return for pardon and restoration of forfeited rights. The work of reconstruction has been based upon this theory and upon the facts. As a consequence of the rebellion, the national authority over the rebellious States was superseded, to be assumed



when it achieved the power to do so, the State governments of those States were subverted, overthrown to be re-established when we had the physical power to do so. Remembering in the language of Mr. Lincoln that an, 'attempt to guarantee and protect a revived State government, constructed in whole or in preponderating part from the very element against whose hostility and violence it is to be protected, is simply absurd. There must be a test by which to separate the opposing elements so as to build only from the sound; the political rights of the people of those States had been forfeited,' to be restored only upon such terms as the nation might see fit to impose.

"Such being the condition of the seceded States and people during the war, how was any change affected in their condition by the defeat of their armies? Our rights over them when their armies surrendered were certainly as great as when they kept the field against us. Our power over them was greater. Clearly the Southern Confederacy could achieve no rights which they had not during the war, merely because their armies had been defeated by ours, and they were unable further to prosecute the war. The defeat of a rebellion cannot enlarge its rights. During the war we had, as against the South, the rights, to say the least, which any nation would have in waging war, or which we would have had in waging war against any other nation. We had the rights of war because we were at war, and when the war closed, we victorious and the Southern Confederacy conquered, we had the rights which our position gave to us, namely, the rights of a conqueror, and they had the rights which their position gave them, namely, the rights of a conquered people. To what extent we should exercise those rights was another question. But to say that at the close of a long war the rights of the conqueror and the conquered are equal is an absurdity and an impossibility. If it required four years of war, five hundred thousand lives and the expenditure of three thousand millions of money to conquer the seceding States down to a condition of equality with us, they must certainly have been our superiors when the war began. It must be remembered too, that we conquered not only the armies of the rebellion, but the entire structure of government, State and national, which rebellion organized and to maintain which its armies fought. And when the Confederate flag went down in final defeat at Appomattox Court-House, the Southern Confederacy and every State government organized under it, went down with it. The results of these victories are gathered in the fourteenth constitutional amendment. We intend they shall remain there.

"It is not strange that the Democratic party, having opposed every measure resorted to by the administration for the prosecution of the war, and denounced the Republican party as guilty of gross usurpation of power in the means which it employed to crush out rebellion, should look with exceeding disfavor upon the debt which the nation was compelled to contract in order to furnish for its defense men and munitions of war. The staple charge made against the Republican party by Democratic orators is that it has left a legacy of \$2,700,000,000, of debt to the people. It is hardly worth while in discussing the question as to where the responsi-



bility of this great debt properly belongs. If the Democratic party and the South are responsible for the war, then are they responsible for the debt, and that they are so responsible, the people of this country have repeatedly decided and still firmly believe. The debt was created in order to crush rebellion, and now that the active leaders and fomentors of that rebellion of the South with their sympathizers at the North, should charge upon the people whose government they undertook to destroy the responsibility of the debt is an exhibition of impudence to which history furnishes no parallel. They may feel thankful that they are not compelled alone to bear its burdens. But assume that this debt is to be charged up against the Republican party, how then would the account stand? In the National ledger we might find the party charged with twenty-seven hundred millions of dollars loaned to it by the people, but we would find it credited if the accounts were correctly kept, with a nation saved. In whose favor the balance would be could be quite easily determined; for to this nation, the only sanctuary of free government on earth, no value can be set. Its value is incalculable.

"We propose to pay our national debt in money. Of that debt \$356,000,000 are in promises of the government long since past due, and which as yet the government has been unable to pay. This debt is owing to the people, for a loan which at an early stage of the war the government forced the people to make to it. Every holder of a greenback is a government creditor, and has a right to demand payment before the holder of any bond shall be paid, because the greenback is due and the bond is not. It is our policy, and it is wise policy, to pay this past due indebtedness at the earliest possible moment. We all desire a resumption of specie payments as early as possible, and that, it would seem, is the duty which first presses upon us. The stability of business, every interest indeed, demands an early resumption of specie payments, or, in other words, the payment of the \$356,000,000 of its indebtedness represented by greenbacks. So far as I have been able to learn from reading its speeches, the Democratic party also professes to desire that specie payments may be soon resumed. But the general method which it recommends for the treatment of the national debt would not only indefinitely postpone specie payments, but would render it impossible. It is easy to see that if an individual was desirous of extricating himself from his indebtedness he would first direct his attention to the payment of that which was first due, and attend to the balance of his indebtedness in the order of its maturity. If such a man were owing \$5,000 of indebtedness past due, and which he was still unable to pay, and \$25,000 of indebtedness to mature at some future period, and bearing interest, he would not be considered a very wise financier if he were to insist that his paper should all be made due at once in order to save interest. In other words, a man's ability to pay his debts, is not advanced by doubling the amount of his present liabilities. In addition to the greenback debt, the government owes \$160,000,000 of indebtedness, represented by what are known as the 5-20 bonds, bearing interest at six per cent, and due in about twenty years. This debt the Democratic party

proposes shall be paid in greenbacks and that it shall be immediately paid. This would of course involve the necessity of the issuance of that amount of greenbacks in addition to the amount already in circulation. If we are yet unable to resume specie payments, it is not very difficult to see that by making our demand debt five times larger than it now is, what is now difficult would become impossible, and we could expect nothing but an eternity of irredeemable and depreciated paper currency. And thus the immediate results of the adoption of the Democratic policy would be to eternally dishonor the payment of the indebtedness owing by the government to the people. The proposition to pay the 5-20 bonds in greenbacks amounts to nothing, unless we understand when payment is to be made in that way. If we await the maturity of these bonds, and greenbacks have, in the meantime, so appreciated that they are at par with gold, the question as to whether payment shall be made in gold or greenbacks has not the slightest consequence, and any human being accountable to his Maker for the proper use of his time could find no justification in spending any portion of it in the discussion of such a question. If it is intended, however, that the debts shall be paid in greenbacks now, inflation is a necessity, for the greenbacks can be had in no other way. That such is the intention of the Democratic party, is clearly shown by the reasons which they urge in support of that scheme. They allege that the people are burdened with taxation, and that this taxation results from the necessity of paying the interest upon the public debt, and that by the payment of the principal this burden will be removed. If they mean what they say, when they assert that their purpose is at once to relieve the people from the burdens of taxation, then they can mean nothing else than that they intend to accomplish that end by an immediate payment, as they call it, of the National debt in greenbacks. Mr. Pendleton generally, has the credit of organizing this scheme, and he clearly fixes the time when he proposes that payment shall be made. In his speech at Centralia he said, 'I would inflate if we were driven to it, just as much as is necessary to pay these 5-20 bonds in greenbacks. And I say it is the duty of the government, in one way or another, either out of its savings, out of the destruction of the National Bank system, or out of inflation, to pay these bonds just as soon as, under the law, the government can pay them to save the interest.' He distinctly says that he would pay these bonds 'just as soon as, under the law, the government can pay them to save the interest.' The government has the right under the law to pay one-third of those bonds now, and accordingly Mr. Pendleton means that they shall be paid now. It is only by inflation to the amount of these bonds that they can now be paid, and hence inflation would be a necessity. But Mr. Pendleton suggests two or three methods, one of which is payment out of the government savings. But the Democratic party proposes to raise no more money than is absolutely necessary to pay the ordinary expenses of government, and under that theory it would have no savings. These savings whatever they might be, can be produced only by taxes, and the Democratic party proposes very materially to reduce them.

It charges that the present revenues of the government are largely in excess of its needs, and proposes to reduce them. In short the plan of paying the national debt out of our surplus revenues involves the necessity of increasing taxation. It is the policy of the Republican party to diminish it.

"Another scheme suggested by Mr. Pendleton, is the payment of the national debt out of the destruction of the National Bank system. When we consider the taxes imposed upon the shares of those banks and the federal taxes which they pay, but about \$3,000,000 per year would be saved by this operation, and whether that would compensate for the panics created by sudden contraction and calling in of loans, which the destruction of those banks would involve, is a question about which there may well be grave doubts. It is not, however, a party issue, and it is enough to say that the payment of \$3,000,000 per year of the national debt would be a very slow way of extinguishing it, and would hardly be a payment now, which Mr. Pendleton demands. Thus these two schemes are evidently impracticable, and so Mr. Pendleton evidently considers them, for he frankly says that he would inflate if we were driven to it, just as much as is necessary to pay those 5-20 bonds in greenbacks.

"We have already seen that his plan involves the practical repudiation of the greenbacks, and accordingly the practical repudiation of the bonds. For the proposition simply amounts to this—a pretended payment by the government of one debt, by the creation of another debt, which by the very act of its creation is made worthless. By such an inflation, the government renders its own promises worthless, compels its creditor to take that promise which it has of its own act made valueless, and calls that payment. I need not dwell upon the ingenuity of this proceeding, nor the effect which it must have upon the future credit of the country. I need not repeat here that when those bonds were issued, the government through its agents, represented that they were to be paid in coin, and that when the law authorizing the issuance of those bonds was under discussion, every one who had anything to say upon the subject, insisted that the fact that they were to be paid in coin was one of the great reasons recommending them to popular favor: that the provision requiring the payment of the interest in coin was placed in the law to guard against any possibility of misconstruction which might arise from the fact that interest would mature before the resumption of specie payments, a contingency which no one contemplated with reference to the principal, and, therefore, no such provision was deemed necessary as to it.

"Nor need I enlarge upon the calamities which would inevitably follow such a vast inflation. The whole body of our currency would be rendered comparatively worthless, gold would be drawn from the country by such a vast body of irredeemable currency, and values not only unsettled but substantially destroyed.

"This would work not merely a burden upon the interests of labor, but would be the destruction of those interests—the paralyzation of trade, the overthrow of commerce, industry palsied, enterprise deadened,—these would

be among the first fruits of the inflation policy, and which would grow worse as the years rolled on.

"Added to this would be the utter loss of national honor, the complete destruction of national credit. Thus situated without the ability to borrow a dollar in money, for any purpose, either to enable us to punish our enemies or defend ourselves against foreign or domestic foes, the Democratic programme of overthrowing the state governments organized under the reconstruction measures of Congress, which they denounce as revolutionary, unconstitutional and void, could be easily and would be readily carried into execution.

"The scheme of taking government bonds is equally wicked, equally impracticable, and a part of the same general scheme of running the national credit.

"That the State cannot tax those bonds every one knows. That Congress cannot confer the power upon the States to tax them is authoritatively settled. All this Mr. Pendleton has been forced to admit, and yet he thinks that in some way or other, which he does not attempt to point out, some man with a 'clear head and an honest purpose' may be able to devise some scheme by which the law with reference to the taxation of the national securities may be evaded.

"To retain from the foreign bond-holder a portion of his interest is not taxation. That is repudiation. The Republican party proposes such a policy as will result in improving the national credit, thereby enabling it to borrow money at lower rates than it is obliged to pay. This done, the road out of our difficulties is easy and honorable. Our ability to pay our national debt is settled. Our willingness now alone remains to be decided. That question decided, as it will be by the election of Grant and Colfax, in the affirmative, our credit is safe, and the adjustment of our national debt easy.

"In the presence of such an attack upon the national life and honor, preserved at so vast a cost, who is there that does not say, in the language of our great captain, 'Let us have peace',—the peace that comes from good government, the peace that comes from equality of political privileges, the peace that follows a vindication of national honor, and the assertion of the national credit; the peace which will come when rebellion, in all its shapes, is conquered and all its heresies extirpated; the peace which a careful preservation of the fruits of our great victories will insure; the peace which will come when we are secured against future attacks upon the national life. A peace thus secured is full of glory for the future. Such a peace is solid and enduring, and its green and sunny slopes stretch out in infinite distances before us. For such a peace, all generations of time will thank us. The widowed wife of the soldier will thank us for it: the bereaved mother whose boy died that he might have such a peace, will thank us for it, and ringing through the very arches of Heaven, will come the thanks of the spirits of the slain heroes of the Republic, that we have secured the peace for which they died."

In October Governor Seymour visited Chicago, and addressed a meeting in the old Court-House square, which was in a few days afterwards reviewed by Mr. Storrs at Library Hall as follows:

"About six years ago, I was riding through Greenwood cemetery, and I observed a venerable looking person apparently examining a monument not yet entirely constructed. Being somewhat curious in the matter, I asked a person in charge of the grounds who that old man was that was bossing the tombstone. He told me that it was the owner of the tombstone, and that he was fixing it up for his own accommodation. It appeared to me to be a melancholy kind of amusement; but I was satisfied last Saturday night that that venerable old gentleman was not the only man engaged in the same kind of business. [Laughter.] For I saw, standing on the steps of the north door of the Court-House, surrounded by his friends, some of whom he had brought with him from the city of New York, a gentleman observing the preparations for his own funeral, and with a melancholy kind of jocularity engaging in them. Horatio Seymour has been here. Horatio Seymour has gone. 'Why should we mourn, departed friends?' [Laughter.]

"There are a few peculiarities about his speech, general in their character, to one or two of which I desire to call your attention. In the first place, he objects to the manner in which the Republican party has, up to this time, conducted the canvass. I am not surprised that it is not satisfactory to him. Early in the canvass, the Democratic State Central Committee of Pennsylvania, and the Democratic State Central Committee of New York, and the Democratic National Executive Committee, and the great statesman himself, declared that in this fight they were going to assume the aggressive. In all little arrangements of that kind, however, where there are two parties to a fight, it becomes important sometimes to consult the other party. It was a thing which they neglected to do, and not having consulted the Republican party, the slate was broken early in the campaign; and just now, instead of standing upon the aggressive, we find Horatio Seymour and his friends busily engaged in crawling out from the fragments of their own already exploded machinery.

"He says, too, that Grant and Colfax are in full retreat. He has brought them in captives. It is a good deal such a capture as was accomplished by the hunter on the plains when he was sent out at night to shoot a buffalo for his friends. He hit the buffalo, and just barely hit him, and maddened him. The old beast started for the hunter, who was on horseback, and went vigorously for him. The dust flew in large quantities, and the hunter made for the camp immediately. They arrived in sight of it, and he, in order to keep up his reputation for courage, took off his hat and valiantly swung it, and, hardly able to keep away from the enraged buffalo, shouted, 'Here we come! You sent me after a buffalo, and I will bring it to you alive!' [Laughter.]

"There is another peculiarity about this speech. I recollect that when



the great statesman was nominated, he declined three or four times before they could possibly get him to stand as a candidate; and now that the New York *World* and other leading Democratic papers think that he had better quit, he seems as resolutely disposed not to quit as he was resolutely disposed not to run. In that particular he is a good deal like Sam Casey's calf. Sam said he had to pull his ears off to get him to suck, and then to pull his tail off to get him to quit. [Laughter.]

"There is another peculiarity about this speech to which I also wish to direct your attention. He has not said a word about his own platform, and he thereby admits that it is indefensible. He has not said a word against our platform, and thereby he admits that it is unassailable. He stands in the position of the ox just half jumped over the fence, utterly worthless either for aggressive or defensive purposes. [Laughter.] He can neither hook in front nor kick behind.

"There is another little peculiarity about this speech. He desires to be elected President of the United States because he is in favor of widening the Erie canal. He says he is, and that is one of the reasons which he adduced to that vast assemblage of people why he ought to be elected President of the United States. There is another reason which he is kind enough to furnish. Without saying a single syllable in defence of his own platform, or a single word in opposition to ours, he says that he ought to be elected President of the United States, because as President he would be absolutely helpless and couldn't do anything, and could not carry out the principles of his own, or of anybody's party. [Applause and laughter.] Another reason why he ought to be President of the United States is that there has been a tax on cotton repealed. Another reason is that he desires to see cheap transportation from the West to the East. Another reason is that they have not got as much paper currency in Illinois as they have got in Massachusetts. Now, that last thing is the only proposition that I have discovered in his speech about which there could be any argument or any action taken, and the only action that could be taken, so far as I can see, would be this,—that Horatio Seymour, if he had the power in his hands, would have Congress declare that the citizens of Illinois have just as much money as the citizens of Massachusetts, however the fact might be. [Laughter.] I think a solemn series of resolutions upon that subject would not very seriously alter the exact condition of affairs.

"When we come to look at the speech seriously, it does seem to me the most remarkable one ever uttered by any man on the eve of a Presidential contest, and one in which he is a candidate for the highest office in the gift of the people. Not one single issue presented to the people, on which they are called upon to act in the pending election, did Horatio Seymour see fit to discuss. Not one single proposition did he argue on that night, upon which legislative action could be taken. He found fault with Mr. Colfax because he had discussed the past history of the Republican party, and then, himself, immediately proceeded to say that all the troubles under which the country was at present laboring resulted from the fact

that we had not, immediately at the close of the war, treated our Southern brethren with sufficient magnanimity. He possesses that balmy and juicy kind of magnanimity which would first kick a robber out of your house, and then, in a second afterwards, elevate him to the head of your table, in order that there might be thirty-six stars on the flag and a magic circle in every family, and a certified copy of the Constitution at every railroad crossing.

"My fellow citizens, it is too late to discuss the issues of this campaign now. The people of the United States have settled those issues. The people of this country have decided that the great party which eight years ago rescued the Territories from the grasp of slavery, and dedicated them to freedom,—that great party which carried the nation safely through the perils and triumphs of a four years' war,—that great party which elevated four millions of chattelhood into the clear, pure air of American citizenship,—that great party which proposes to save the honor and integrity of the nation, as it has saved its existence,—shall succeed in this election as it has succeeded in the past, and that its success shall bring peace, final, conclusive, and permanent, to the country. It is that cause in which we are engaged, and we have nothing to do now, in view of the magnificent result of the October elections, but for our great Captain,—the great Captain of the age,—to order the whole line to advance. They are advancing. They are keeping step to the music of the Union, and the glory of their triumphs is already reddening the whole sky, and lighting up the whole heavens with the intensity of its brilliancy and its glory. There is no doubt about our success at this election, and in any future elections, so long as the great party to which we belong is true to the great principles which it has advocated in the past, and which it advocates to-day. [Applause.]"

The review of Mr. Seymour's record, which so pleased the staunch Republicans of Maine, was repeated by Mr. Storrs in Chicago in a speech of which the *Tribune* gives the following report:

"Horatio Seymour is the nominee, by the Democratic party, for the office of President of the United States. He is a fit candidate for such a platform. We all know him. We knew him during the war as the most bitter, the most dangerous enemy the people had.

"Immediately upon the election of Mr. Lincoln, and before his inauguration, several Southern States already having seceded, forts having been plundered and national property stolen, Horatio Seymour, speaking for the Democratic party, in the City of Albany, denied the right of the government to coerce those States in the obedience to the laws, and declared the coercion was no less revolutionary than secession. Had this theory been adopted, secession would have been an accomplished success, and the dissolution of the Union, upon the inauguration of Mr. Lincoln, an accomplished fact. The people thought differently, and rallying with an enthusiasm and unanimity unparalleled to the support of the national authority, and the national integrity, responded at once to the call made upon them by Mr. Lincoln

for 75,000 troops. This call received from Horatio Seymour no support, and, in the midst of the great excitement of that time, he abandoned his own State, fled from the quiet retiracy of his native city, in order to escape the falling fragments of his own exploded machinery, [applause and laughter] and for the first months of the great rebellion hid himself among the forests and trout brooks of the State of Wisconsin, where the din of the approaching conflict might not disturb his quiet or ruffle his composure. From the quiet loop-holes of his safe retreat, he coldly watched the early efforts of a great people to save themselves. No word of encouragement came from him. But he watched and waited and balanced and teetered until he discovered, in the defeat of our army at Bull Run, a Democratic victory; suddenly thereafter, by some subterranean route, he hied himself home, and addressing the Democracy at Albany, declared that if the war was waged for the purpose of crushing the institution of slavery, the South had a right to secede.

"During the time which intervened between the disaster at Bull Run and his election as Governor of the State of New York, Horatio Seymour made no sign. Hundreds and thousands of the loyal citizens of that State being in the army, a Democratic majority was thereby secured, and Horatio Seymour was elected.

"His first public address was the one delivered by him at the Academy of Music on the 4th day of July, 1863. You recollect and I recollect—we all recollect—what a day that was! Lee was in Pennsylvania. Day by day, and hour by hour, he had been driving the army of the Union before him. That day was the gloomiest of our history. The history of the world has never recorded such a day. We all trembled that day, fearing that our free institutions and the nation itself were to sink beneath the blows of rebel adversary. On such a day, when the hearts of good men all over the land sank within them; when the nation seemed to be upon the very brink of a precipice from which there was no power to relieve it, this man, the executive head of the greatest State in the nation, addressed the people in words carrying no comfort, furnishing no sympathy, holding forth no hope. He opened a dreary speech of two hours in length by tauntingly inquiring, where are the victories you promised us?

"Even before the speech was ended, across prairie and over mountain, over river and plain, came the answer. The lightning flashed it even as upon the battle-field the intelligence had been carried by the roar and thunder of the conflict: Here Horatio Seymour, are the victories, that we promised you; here are forty thousand prisoners captured at Vicksburg; here is Vicksburg itself; the free navigation of the Mississippi to the Gulf; and the Confederacy rent in twain. And, from the red field of Gettysburg came the answer: Here are your promised victories—here is Lee's army defeated and a nation saved. But still no word of encouragement had he for the great loyal people who were looking to him for comfort that day. There was no word of denunciation for a rebellion utterly causeless and infinitely wicked. He said to them, in the Jeremiah style, 'Four years ago we warned you against sectional differences, but our warning was unheeded.

"Who are 'we?' Lee, Vallandigham, Rynders, John Morissey, Henry Clay Dean, Brick Pomeroy and Seymour—are we. Who are 'you' whom he thus addressed? You are the loyal people of the country. 'We warned you of the dangers of sectional strife, but you did not heed our warning. We warned you not to underrate the power of the adversary.' And yet every effort we made to raise men or money to overcome the adversary encountered the violent opposition of the Democratic party, Horatio Seymour among the number. 'Now,' he said, 'we come to you with another warning. We stand to-day, amid new made graves, in a land filled with mourning upon a soil saturated with the blood of the fiercest conflict of which history gives an account.'

"Is that the way that gallant Dick Oglesby would have talked? Is that the way Yates would have talked? He might have said to those people that we stand to-day amid new-made graves, but they were the graves of the slaughtered heroes of the Republic. He might have said that we stood in a land filled with mourning; he would have added that it was mourning for those who had died in defense of the Republic. True we stood upon a soil saturated with blood; but he should have said that that blood was shed in the conflict waged that the nation might live. The enemy was thundering at our very gates. He might have said to those people, in the language of old Demosthenes, 'Let us take up arms against Philip—let us march against him.' The graves of which he spoke were the graves of our own sons, whose lives had been freely offered in the holiest cause which ever lifted up the human heart or nerved the human arm to action. A patriotic governor would have said, 'by the God that reigns above us; by the spirits of the slain calling to us from heaven; by all we are and hope to be, see to it that their memories shall be vindicated, and that the hearts of the mourners shall be comforted.' True it is the soil is saturated with blood, but he would say it is the blood of the best born of the nation shed to save the nation. See to it that the blood thus shed, shall be like the fabled dragon teeth which being sown up and down the earth, sprung up armed men; that it shall blossom into a glorious fruitage, the penetrating perfume of which shall float all around the globe and intoxicate every other nation with the hope of liberty. No such word came from Horatio Seymour that day, but thus would a patriot governor have spoken.

"Finally this great executive officer proposed a remedy for all the evils which afflicted the people and which he had elaborately portrayed. At the close of that speech, while Lee was yet in Pennsylvania, and as he supposed, thundering at the very gates of the Capital, threatening, at one and the same time, Harrisburg, Philadelphia, New York and Washington, this great Democratic statesman recommends a method by which he may be driven away, his army vanquished, by which Bragg and Pemberton may be driven out of Vicksburg; by which the nation in that awful emergency might be saved. 'If you would,' he said. 'save your country and your liberties, begin right.' We would suppose that a good place to begin, the problem being the expulsion of Lee's



army from Pennsylvania, would be in the field, for, at the time, it was from Lee's army that our country and its liberties were to be saved. Does he recommend us to begin at the recruiting station? No. On the field? No. Yet those were the places where, to ordinary minds, it would seem eminently proper to begin. Yet this governor recommends no such place. He says 'begin at the hearthstones; begin,' he says, 'in your family circle.' This was a purely domestic recipe. It had no taint or smell of war about it. It was purely culinary. I suppose, acting under such advice, every Democratic bachelor at once procured a portable hearthstone in order that he might have a place to begin at when he desired to save the Union. I think I see the patriotic Democrats, who were listening to their model governor, charmed with the easy method which he recommended for the salvation of the country and its liberties, hieing themselves to their respective homes, in order to put into immediate operation the prescription which the big medicine man of their party had just furnished them. They reached home, and they say; 'my dear wife; my much loved of daughters; my highly respected mother-in-law, I am about to save the country and its liberties. I desire, because the governor has instructed us so, to begin in my family. Please make a ring.' And standing himself loftily, and with the intense consciousness of an exalted patriotism, within that Democratic circle, in the sweet privacy and sacred retiracy of his domestic life, he says 'we will now proceed to save the Union, to drive Lee from Pennsylvania, to secure the capture of Vicksburg, and the downfall of the Southern Confederacy after the most approved Constitutional Seymour fashion. 'Therefore,' he says, 'my dear wife, my much loved daughter, my highly respected mother-in-law, to follow this prescription literally, we must in the language of our governor, declare that our privileges shall be sacred, and having once proclaimed our own rights, take care that we do not invade those of our neighbors. Therefore, be it resolved, 1. That nobody ought to impose upon us. 2nd. That we will impose upon nobody else. The scheme then is completed. Under the violence of this powerful incantation coming from the great head magician of the party, no sooner does Lee's army hear of the attack, which is thus made upon them at the hearthstones and in Democratic family circles, than, palsied with fear and frantic with fright, they drop their muskets and flee at once. Under the weird and mysterious and magical operation of Horatio Seymours's remedy, Pennsylvania is safe, Vicksburg is surrendered; the Confederacy falls to pieces; the flag of the Union streams from every Southern fort and citadel, the rebellion is crushed. Glory to science. The nation is triumphant, and Horatio Seymour is its savior. It is impossible to treat such a proposition as Horatio Seymour that day made, with seriousness. In the presence of such a calamity as he supposed then threatened the national life, concluding a long and malignant speech with a mere recommendation for household and family circle exertions, was as absurd as it was wicked; was as wicked as it was utterly unstatesmanlike; was as unstatesmanlike as it was cold, bloodless and unavailing.

"But let us follow him still further. After recommending this method of



saving our country, our armies having been depleted at Vicksburg and at Gettysburg, and the rebellion having been put fairly upon its downfall career, it became necessary, to secure the full benefits of these great triumphs, to fill our depleted armies, and this could only be accomplished by drafting men in to the service of the government. For that purpose Congress passed what is called the Conscription law, which at once Horatio Seymour and his Democratic sympathizers denounced as revolutionary, unconstitutional and void. Many of those to whom this language was employed believed it. They thought that if the law were void they could not be compelled to obey it; that it was wrong to enforce it. Accordingly in the City of New York, they resisted the enforcement of this law, destroying the offices where the drafts were to take place, and presently extended their acts of violence and bloodshed all over the city, directing them particularly against those who were supposed to sympathize with the war and against the negro, who, they thought, was in some way or other, accountable for it. And so they burned orphan asylums, and murdered innocent men, women and children.

"Finally the governor was called upon to quiet this mob, which his own denunciations of the unconstitutionality of the law had called into being. He was fished up from the sands of New Jersey, brought to New York, carried tenderly to the City Hall, gently placed upon the steps, and there he addressed the men engaged in this bloody riot, to whose garments still clung the smoke of burning asylums, and whose hands were yet red with the blood of their murdered victims, as his friends! I care not so much, nor do I deem it so important, that he addressed these ruffians as his friends. That was bad enough, but what followed was infinitely worse. He was the executive head of that great State. It was his duty to see that the laws were enforced, that offenders against the law were brought to punishment, and that further offenses against the law should cease. He knew that crowd whom he was addressing had been guilty of every crime denounced by any law, human or divine. Observe that he does not denounce them for the crimes which they had already committed; he finds no fault with them for their violation of the law, nor does he ask them to cease violating it in the future; he didn't tell them that they must stop violating the law; but he tells them that the law shall stop. 'I have,' he says, 'sent my Adjutant General to Washington, to confer with the authorities there, and to have this draft suspended and dropped.' This man who thus faltered, and parleyed with, and cringed to, a gang of incendiaries and plunderers, proposes to assume the executive power of the nation and see that its laws are faithfully executed.

"This speech produced its legitimate effect. He asked the mob to await the return of his Adjutant General, assured that they need entertain no more fears with reference to the draft. The crowd left the august presence of the Governor. It was too much to ask that these constitutional, law-abiding, order-loving, God-fearing friends of Horatio Seymour should remain unemployed while they were waiting for the return of the afore-said adjutant, for we know that 'Satan finds some mischief still for idle

hands to do.' Accordingly, in order to occupy themselves busily, they surrounded a negro, and him they captured, him they courageously hung to a lamp-post and him they burned to death. Brave friends of Horatio Seymour! Patriotic followers of the truth as it was in their Governor! Fifteen or twenty thousand of them violently overcame one unarmed negro, hung him and burned him to death! The negro finally burned up, these constitution-loving citizens, who were all opposed to war and in favor of peace, who had been for two years largely engaged in the olive-branch business, many of whom made night hideous by their shouts at the Democratic Convention in 1864, in this city, surrounded some negro women and children, and bravely captured and killed them. This done, they burned other asylums and hospitals. That ended, they finally chased a Union soldier, Colonel O'Brien—who would have been a member of the Irish Republican Club if he were living to-day—they chased him, fifteen or twenty thousand of them, finally overtook him in front of his own house, and there beat him to death under circumstances of shocking barbarity. Oh, how we all wished in those days that Logan, at the head of four regiments of Illinois troops, might have had the handling of that mob. They would have made the fur fly from Horatio Seymour's friends and largely have reduced the Democratic vote. The Adjutant General did not come. Veteran regiments from the army of the Potomac did come. They finally succeeded in crushing Horatio Seymour's rebellion in the City of New York, and returning again to the army of the Potomac, under the leadership of Grant, finally succeeded, about two years afterwards, in crushing its twin rebellion—the Rebellion of Jeff Davis.

"About two weeks after this achievement of Horatio Seymour's friends, he addressed an impudent letter to Mr. Lincoln, demanding that the draft should be suspended until the constitutionality of the law should be tested by the courts. There was this peculiarity about Abraham Lincoln's correspondence, that during all the war, whenever some gentleman like Seymour, by letter, demanded something with reference to the policy of the administration, and Abraham Lincoln answered it, that his answer closed the correspondence. To this brutal riot Horatio Seymour, in that letter appealed, using it as a threat to intimidate the President into concession to his demand. He said to him at the close of the letter, 'You can scan the immediate future as well as I. The temper of the people to-day you can readily learn.' The temper to which he referred was that which his 'friends' had just been exhibiting, and to quiet which regiments of veterans were necessarily withdrawn from the front and sent to the city of New York. Just how practical a proposition this was of Horatio Seymour's is pretty clearly seen when we consider how long a time would have been consumed in trying his law suit. A suit to test the question would probably have been commenced before Judge McCunn, a good Democrat; who had already decided the law to be unconstitutional. From him sometime in September, 1864, the case would have been transferred to the United States Court. An argument would be had there before Judge Betts, sometime in December, 1863. A reargument before Judge Nelson, as the Circuit Judge, sometime

during the following year. An appeal from the opinion of Judge Nelson, whatever that decision might have been, to the Supreme Court of the United States, at Washington sitting in December, 1864, and if everything moved fortunately, and the case was reached upon the docket, a decision sometime in the Spring of 1865, at which time no accessions having been made to our army, it having been suffered to dwindle away, the rebels not feeling inclined to wait until our law suit should be decided, Wade Hampton, Fort Pillow Forest, General Lee, and other good Southern Democrats would have been in Washington anticipating the decision. As I have said, Mr. Lincoln answered this letter that the demand was utterly impracticable, and that a compliance with it would be utterly destructive of the national cause, as he knew and everybody knew. Mr. Lincoln with that great good sense and exalted patriotism which characterized every step of his official career, thus answered Horatio Seymour:

"I do not object to abide a decision of the United States Supreme Court, or of the Judges thereof, on the constitutionality of the draft law. In fact, I should be willing to facilitate the obtaining of it. But I cannot consent to lose the time while it is being obtained. We are contending with an enemy who, as I understand, drives every able-bodied man he can reach into his ranks very much as a butcher drives bullocks into a slaughter pen. No time is wasted, no argument is used. This produces an army which will soon turn upon our own victorious soldiers already in the field, if they shall not be sustained by recruits as they should be. It produces an army with a rapidity not to be matched on our side, if we first wait time to re-experiment with the volunteer system already deemed by Congress, and palpably in fact, so far exhausted as to be inadequate, and then more time to obtain a court decision as to whether a law is constitutional which requires a part of those not now engaged in the service, to go to the aid of those already in it; and still more time to determine with certainty that we get those who are to go in the precisely legal proportion to those who are not to go. My purpose is to be in my action just and constitutional, and yet practical in performing the important duty with which I am charged, of maintaining the unity and free principles of our common country.' So Father Abraham was entirely willing that Governor Seymour should have a law suit too, if he wanted it, and was entirely willing to facilitate the trial or the decision, but he was not willing that the draft should stop. He preferred that the law suit and the war should run along in parallel lines. And as it turned out, the war ended before Horatio Seymour's law suit could possibly have reached a determination.

"As thoroughly as I dislike the record which Horatio Seymour has made, as malignant and as dangerous as I deem it to be, as great as I conceive the punishment for those offences ought to be, yet I could ask that no severer punishment be visited upon him than that the spirit of those two letters, taking visible shape, should march down the aisles of history together. How, as we stood upon some elevated table land, where we could watch their progress, would, as the distance lengthened out, the spirit of Horatio Seymour's letter warp, and dwindle, and halt, and wither, while that of our

grand old patriotic President, growing greater and greater as the years receded, swelling into loftier and grander proportions as the mist of prejudice and passion cleared away from it, disclosing in its outlines the perfect symmetry of patriotic, high-hearted faith in the great cause for which he died, would challenge the admiration of all the ages, reaching at last the highest summits of historic renown. We would all find that as we gazed upon it we stood in the presence of a great character. Before it we would, with uncovered head reverently bow. We would hail and salute it. Thus would the muse of history, making up the records of human achievements, address it: 'Stand up, Abraham Lincoln, among the greatest and the noblest and the best of this world's history.' And, looking about, discovering the halting spirit of Horatio Seymour had, in some mysterious way, corkscrewed itself into that glorious company where it did not belong, it would address him, saying: 'Stand down, Horatio Seymour, among the falterers and sneaks and cowards and doubters, and those who sought to obstruct the march of a great nation, as it was resolutely treading the road which led to the clear atmospheres of freedom.'

"This shall be our verdict: 'Following in the pathway where Abraham Lincoln has gone before, we are resolved that the standard which he held shall be lowered never an inch. That the great cause for which he gave his life shall suffer no dishonor, and that the spirit of American institutions shall ere long sit enthroned upon the highest summits of earthly renown and heroic achievements, robed in the radiant garments of a universal freedom, and with its bright star glittering full and broad and clear upon its forehead.'"

## CHAPTER XII.

### AN ESTABLISHED REPUTATION.

A FAMOUS INSURANCE CASE—ITS HISTORY—A NEW WAY TO LOOK AT CORPORATIONS AND INDIVIDUALS—A MASTERLY ARGUMENT—CAPTURING THE COURT BUT NOT THE JURY—STANDING AS AN INSURANCE LAWYER.

ABOUT this time, Mr. Storrs achieved newspaper attention all over the land by the learned ability with which he conducted the trial of an issue very different in kind from any in which he had previously been interested. It was a case which a prominent insurance organ, the *Chronicle*, predicted was "destined to become famous in the annals of insurance." The material facts entitled to a permanent record were as follows: Weide Brothers were wholesale grocers in St. Paul, Minnesota, on and previous to February 22, 1867. The morning of that day, both store and goods went up in smoke and the lightnings lost no time in announcing "a total loss" to various insurance companies. The insurance carried was \$54,000 on the stock, and the assured set up a loss of \$70,600. Immediately after the loss, J. J. Berne, then of the Phoenix and S. French, of the City Fire Insurance Company, began an investigation as to the magnitude and good faith of the claim. The assured offered the adjusters all the data attainable; but, as was said at the time, that which was offered "proved quite as effective in disproving the whole claim, as in making it satisfactory or plausible." It was found from memoranda, on fly-leaf of rescued ledger, that the stock on hand, in February, 1865, was \$47,000 and over. By getting results of the inventories, bill of purchases since, of sales, etc., an approximation could be reached as to the goods on hand at the time of the disaster; but most of the books of the concern



were missing, and the ledger, one journal, and miscellaneous pieces of accounts, were sadly inadequate to satisfy the investigator. Very often, merchandise debts had become credits, and profit and loss were so commingled as to be undistinguishable. Adjuster Berne grew dazed as he proceeded. Investigations produced other facts. The trade of the firm was claimed to be about \$150,000 per annum, and they set forth a stock in store in February, when uniformly low, of fifty per cent. of the year's sales. This seemed improbable, and the adjusters inquired among firms in the same business at St. Paul: "What relation does your stock, in February or March, bear to your yearly sales?" The answer came: "Usually about one-sixth or one-seventh of our sales." One firm, whose sales were four times as large as the Weides', reported that in February, 1867, it had only about the same amount of goods on hand as were claimed to have been lost. Others in the same trade, familiar with Weides' stock, estimated it as below \$30,000 in value immediately preceeding the fire. However, there was another and most damaging discovery. In February, 1865, the city assessments were finally corrected and made ready for collection. The Weides complained of the estimate put upon their stock, and, by exhibition of inventories, merchandise account, and other statements, induced the tax commissioners to reduce it to \$25,000. But the ledger fly-leaf had "stock," same date, \$47,000! Here was a discrepancy of \$22,000, which seemed to be worth correcting, and so it was "adjusted" accordingly. Other errors were found, until the \$70,000 claim was reduced to an apparent loss of \$29,261.30 only. The adjusters then offered a settlement on the basis obtained; it was accepted, and the policies of the two named companies were paid at a fraction less than 54 per cent. of the original claim.

Policies yet remained unsettled to the amount of \$46,000. Representatives of the Home Company of New York, of the Hartford, and others, visiting the claimants the week after this settlement, could not obtain any demand from the Weide's less than that based on a loss of more than \$70,000. In reply to an inquiry, the Weides swore that the Phoenix and City Fire Companies had settled on that basis, and they were unwilling to accept a less sum from the other companies interested. Accordingly, suits occurred, and, on trial, the United States Circuit Court ruled

out all testimony as to stocks of other merchants in same place and trade, and, in effect, the admissions of assured as to magnitude of loss in settlements with other companies; and, under instructions, the jury found a verdict for the plaintiffs for the whole sum claimed. An appeal was taken, and the case was sent back for a new trial,—the rejected testimony being deemed pertinent, important and admissible. The second trial came on before the excellent Judge Dillon and a jury on the 24th day of June, 1868, and continued three days.

Daniel Webster once said, "the greater the danger of losing a cause, the greater the desire for a noted lawyer," and to Brougham is attributed the mot, "Bad cause, then a good lawyer; *vice versa*—reverse vice." Mr. Storrs had a wonderful number of re-trials and of once-heard causes, inaugurated by other talent, to bring to a conclusion. He conducted the insurance defense in the second trial. During it, much new testimony went to the jury, and the city of St. Paul was in a convulsion until the case ended. Indeed, a journal of the time, wrote:

"We have high authority for saying that the case was tried in the slums and saloons of the city, and particularly in a certain newspaper office there, quite as earnestly as in the court room. The paper in question came out, during the trial, with a flaming editorial, admitting that the Weides had settled part of their claim at 54 cents on the dollar, but averring that this settlement was brought about by intimations that the 'Phoenix' and 'City Fire' were in a failing condition, and that assured thought it better to accept part, than to incur the hazard of losing all by delay.

"The *animus* of such a falsehood was manifest enough, and the attention of the court being called thereto, it was denounced as infamous, and the parties were warned that any farther attempts in that direction would be promptly met and rewarded. The modest editor lending himself to this dirty endeavor, did not dare even to notice the Judge's scathing rebuke in any succeeding issues of his paper."

All the testimony of the original trial was repeated, and depositions of the Phoenix and City Fire agents as to previous settlement, were admitted; as was, also, the testimony of all the leading groccrymen of St. Paul as to stocks usually on hand in February—until, the "mountain of fact" became so monstrously threatening that the plaintiffs, in desperation, openly threatened violence on those who had been called to tell "nothing but the truth" and told it. In addition, and what was noted as a curious fact in the light of the verdict, J. Weide, being called upon to

rebut some of the unwelcome testimony, was asked to reconcile the discrepancy between the \$47,000 entry on the "fly-leaf" and the \$25,000 assessment the same year, when he very naively admitted that one of the statements must be false, and that "the untruth was imposed on the assessor, for the purpose of avoiding a petty, but proper city tax" while the other entry, by which he hoped to win \$22,000, was "the exact truth!"

The evidence was searchingly reviewed, in able arguments by counsel for both sides. The discussion by Mr. Storrs was clear as crystal, powerful, and it would have been unanswerable, or rather impossible to resist, by any other than a body of men prejudiced beyond reason and duty. That part of the argument which embodied permanent sound sense upon the questions underlying all insurance contracts and insurance cases, and which, in its style of logic, must interest all classes of thinkers, was as follows:

"We have repeatedly been reminded, during the progress of this trial, that the defendants are wealthy and powerful corporations; that the plaintiffs are private citizens of St. Paul, and the inference seems to be pressed upon us, that for these reasons, in one way or another, not very clearly explained, the plaintiffs are entitled to something more than the law and the evidence in the case would give them.

"Very much has already been said, and much more doubtless will be said, concerning the dangerous powers which corporations exercise, and the conclusion seems to be that they are entirely unnecessary, and that some method should be devised by which they would be wiped out of existence.

"It has probably occurred to you, that whether, on the whole, corporations are beneficial or injurious, necessary or unnecessary, is rather more a political than a legal question, which you, as jurors, can, under the issues in this case, hardly be expected to decide.

"I shall not undertake to defend corporations in all that they have done in the past, nor in all that they may do hereafter. Yet I cannot shut my eyes to the fact that, in an age like the one in which we live, in which commerce is king, for the successful prosecution of those vast enterprises in the way of material and physical development, of which we are so justly proud, aggregations of capital are indispensable. The construction of those great lines of railroad, by means of which nations are benefited and developed, requires the outlay of immense sums of money, for which individual enterprise would be entirely inadequate. We are living under a new order of things, and if we are wise, we will adapt ourselves to the situation.

"Millions of value are invested in every variety of business, and it is very clear that the owners cannot be secured against loss or destruction by fire or the elements by any other means, than by aggregated capital, in the

shape of what are called insurance companies. No man would feel like assuming the hazards of a large wholesale business here or elsewhere, with tens and hundreds of thousands of dollars invested in merchandise, if he were himself compelled to assume the hazards of its destruction by fire. Without insurance, you would find it difficult to get your grains to market. No one shipper would assume the hazards of losing fifty thousand bushels of wheat. To him, such a loss would be destruction; but where the risk is divided among a large number of insurance companies, the loss is divided, and can be borne with comparative ease.

"In our great grain elevators, there are at times stored millions of bushels of grain, amounting in value to millions of dollars. The warehouseman could not, if he would, secure the owners of that property against its loss by fire. But the aggregated capital, represented in insurance companies, can do it, and does do it, for a very trifling percentage.

"And thus the necessity of insurance companies for safe and successful prosecution of business, is obvious.

"You cannot overthrow them nor dispense with them, unless you mean to destroy all business enterprise of whatsoever kind. This, I presume, we are not yet prepared to do. But if, upon a fair survey of the situation, we are satisfied that these corporations should be destroyed, the way is open to accomplish that end. We need no legislation to do this. A general disregard by courts and juries of the rights of the companies under their contracts will very shortly accomplish such a result. You need but to encourage the prosecution of fraudulent claims, the violation by the assured of the conditions of the policy, and there is no insurance company on earth but would be compelled very soon to succumb. And suppose that, pursuing that course, 'we, *the people*,' do succeed in overthrowing what are sometimes called these gigantic corporations?

"Would it not be well for us to inquire whom we have benefited, and whom we have injured? You may say, that the corporation is injured. But counsel will loudly tell you that corporations have no souls. Therefore, a corporation can't feel bad. The men and the women, whose money was invested in it, may be all injured, and many may be ruined. But we have no grievances against them, and what do we gain, or what does the public gain, by injuring or ruining them?

"All those business interests with which insurance is so intimately interwoven, must lose heavily. Not a single department of business could be named, that would not suffer from such a course. No one is benefited. No interest, public or private, would be in the slightest degree advanced. And it is very certain that neither public or private morals would be promoted by the overthrow of insurance corporations, and particularly so when fraud, false swearing, and the violation of contracts were the means by which such overthrow was effected.

"Let us not deceive ourselves. So long as a corporation performs all its legal duties, and faithfully discharges all its legal obligations, we must, if we intend to administer the law at all, exact from all those who have

made contracts with them the same measure of good faith. In theory, this principle would probably be universally recognized, but, in practice, we all know how often it is violated.

"From the very nature of the business, *the contract of insurance is a peculiar one*. It is not like an agreement to give a thousand dollars in money for a thousand bushels of wheat, or for a thousand days of labor; but these plaintiffs ask, from each of the defendants, that, upon the consideration of \$30.50 to each of them paid, we each now pay them \$5,000. And this, upon the happening of a certain event, and on certain conditions we have agreed to do. In the case of an ordinary contract for the purchase of merchandise, or other property, we would require that the property which we were to receive should be of a certain quantity and quality, and would make such conditions a part of the contract; and no one, I suppose, would call us very hard-hearted should we insist upon the strict performance of those conditions, before being called upon for payment. With how much greater force, then, should an insurance company, which, in the event of its liability to pay at all, is required to pay out a very large sum of money for a very small sum received, demand a strict compliance with every condition of the contract. So far as the *risks* are concerned, they are all against the insurer. In this case, had there been no fire, the plaintiffs would have lost only about \$350. But, in the event of a fire, the companies may be compelled to pay \$54,000.

"These contracts were not agreements to pay \$54,000 should the plaintiffs' stock be destroyed by fire. The companies agreed to pay, under certain conditions, *the value of the stock destroyed*, not to exceed the sum named in the policies; and so, if the insurance were for \$100,000, but the actual loss was only \$50, that would be all that the companies could be called upon to pay, because that was all they had agreed to pay.

"Hence, it is very clear that, as the value of the property injured or destroyed is the measure of liability, the facilities for ascertaining precisely what that value is would enter very largely into the risk. If the actual amount of the loss could be with certainty ascertained, and all means for a false or fraudulent over valuation cut off, the risk would be but comparatively small. But when there are no means furnished for determining the actual value of the property, insurance companies would be placed completely at the mercy of any unscrupulous man, and the risks so largely enhanced that it would be next to impossible to prosecute the business of insurance at all. The amount of the premium is regulated by the extent of the risk. If the risk is great, so is the premium, or at least it ought to be. Counsel will undoubtedly have very much to say concerning the numerous conditions in policies of insurance, and you will be told that all those conditions are traps for the unwary. But the companies would be quite willing to dispense with every condition contained in the policy, provided they were paid for the additional risks which they would thereby assume.

"These companies would be willing to insure the 'Weides' to-day in the sum of \$50,000, on any stock of goods which they might have, agreeing



absolutely to pay them that amount in the event of the loss of their goods by fire, and waive every condition of the policy, provided the Weides would pay the premium we asked. In such a case, the premium would probably be \$50,000, together with a liberal charge for writing the policies. The risk would then be even, and the trade a fair one.

"Where so much depends upon the facilities for ascertaining the actual value of the property destroyed, it is but natural that insurance companies should seek to protect themselves as far as possible against fraud or mistake, and should require from the assured every facility to enable them to investigate that question thoroughly and satisfactorily.

"To that end, various conditions are annexed to the policy, and made a part of it. The word defines itself. The company agrees to pay upon certain *conditions*. If the conditions are not complied with or performed, there is no agreement to pay.

"To these conditions the assured becomes a party. Whether they are reasonable or unreasonable, just or unjust, necessary or unnecessary, they are binding upon the parties, for the plain reason that they have agreed to be bound by them."

The arguments ended, Judge Dillon impartially charged the jury. A verdict allowed the claim in full, and interest for about four years! The court was righteously incensed at the outrageous result after such evidence as had been heard, and, turning to the jury and to the assembled attendants upon the trial, said:

"In this case the jury has discharged its duty, and no doubt conscientiously, but the court has also a duty equally important. Courts are not organized to record verdicts which are unsupported by the evidence, and it is their duty to set all such verdicts aside, and it must be understood that here are two ordeals to pass in this court. The jury have negatived the charge of fraud, and with that finding we shall not interfere: but if ever a fact was proved and demonstrated in a court of justice, it was shown in this case that the plaintiffs' loss did not exceed \$30,000.

"With the views which we entertain of the evidence in this case, we could not record this verdict without abdicating our functions as a court. This we are not prepared to do. We shall grant a new trial in this case, giving the plaintiffs, however, permission to remit the verdicts to the basis of a total loss of \$30,000.

"Judge Miller has repeatedly expressed his regrets that he did not set aside the verdict in the Underwriter's case—the last one tried. The defence in this case is stronger even than the one made in that, additional evidence upon part of the defence having been introduced in this trial."

The terms indicated by Judge Dillon were accepted by the plaintiffs *instantly*, and so ended the Weide cases.

The thoroughness, however, with which Mr Storrs had gone over the entire range of this Weide fraud, and the remarkable

expertness with which he had handled abstract and technical business points received acknowledgment from journals throughout the country, as the evidences of mental and analytical powers of an uncommon order. The *Spectator* said of the case in a long review: "We candidly think, that his (Mr. Storrs') argument will secure for itself a lasting place among the *causes celebre* of insurance and for its author the highest rank among those members of his profession to whom the companies are unfortunately compelled to look for aid against the raids of fraudulent claimants and the ignorant prejudice of jurymen: . . . The remainder of the argument is devoted to a masterly analysis of the peculiar features of this fraud, in the course of which Mr. Storrs evinces as much familiarity with figures, and their intricacies and manipulations, as though he had spent his life at the accountant's desk . . . We regret that we have not space to reprint the argument entire; for it is a remarkable vindication of the rights of underwriters, and, as such, should be studied by the members of the profession." The *Insurance Times*, in a similar review, said: "The trial was conducted by Mr. Storrs with consummate ability, which marks him as one of the ablest insurance lawyers in the West. To him, the underwriters throughout the country owe a lasting obligation."

## CHAPTER XIII.

### POETICAL ORATORY AND COLD REASONING.

WHAT A SOLDIERS' MONUMENT PROCLAIMS—AN INSPIRATION—AN ADDRESS OF BEAUTY—SANCTITY OF CONTRACTS—FRANCHISE PROPERTY NOT TO BE TAKEN WITHOUT PROCESS OF LAW—THE STATE OF ILLINOIS AND THE ILLINOIS CENTRAL—A DISCUSSION BEFORE GOVERNOR PALMER.

A SIMPLE, yet beautiful, oration was delivered by Mr. Storrs, in April, 1869, at Rock Island, Illinois, on the occasion of the dedication of a monument to the Union soldiers who had fallen in the war—one of the many erected everywhere throughout the loyal States. The orator of the day was introduced, as the unveiling of the shaft of marble was completed and the national salute of thirty-seven guns ceased, and spoke as follows :

"It is done. Beautiful in its design, elegant in its proportions, sublime in its teachings as the sun in its glory of noontide or the stars in the solemn pomp and majesty of midnight, the soldiers' monument stands completed. In the presence of this vast concourse of people; in the shadow of this eloquent patriotic teacher, which your munificence has reared and which you have just dedicated to the people of this county on this auspicious April day, the fourth anniversary of the surrender of Lee's army at Appomattox Court House; impressed with reverential feeling for the memory of those departed heroes in whose honor this monument was erected, I gaze upon it, I hail and salute it. The significance of this ceremonial does not come altogether nor chiefly from the fact that we commemorate the patriotic virtues of those whose names are inscribed on the base of this monument; nor is it for that alone that the monument is dedicated. As noble as were their lives, as glorious as were their deaths; the great cause for which they sacrificed their lives and willingly met death, is nobler and more glorious still, for a great cause ennobles him who espouses it. The commonest farmer boy who braved the perils of battle and willingly met

death that this nation might live, penetrated by the influences and spirit of the nation for which he died, has changed and, I might almost say, lifted himself above all that he or we would ever have dreamed of the capacities of his nature. For it is wonderful how, when once inspired by the feeling of genuine patriotic devotion, the ordinary nature becomes transformed into something infinitely nobler and higher, and is lifted to a higher plane than we could ever have conceived he could possibly obtain. Inspired by such emotions—possessed by them, indeed—the farmer boy, who before had but a dim conception of what his country really was, the moment that he saw it in danger willingly cast behind him friends, home, all lesser ambitions, and gave his life that his country might know no dishonor. He then saw his country, an unseen mistress before, differently than he had ever before perceived it. He saw that his country was not merely its physical extent; was not alone its prairies, its mountains, its rivers and its valleys; was not merely its physical successes and achievements, however noble they might be; it was rather the grand idea upon which his nation was builded. He saw that that nation was the incarnation of a spirit of self-government; that it was the sacred repository of human equality and freedom. He saw, too, that if that nation died after having gone thus far in realizing the success of the magnificent experiment of self-government on this continent, the ideas themselves died out from among the nations, and the clock of human advancement was set back for centuries of time. To these ideas, thus vital to the interests of humanity everywhere and for all ages to come, as well to their heroic defenders from Rock Island county, who died that they might be maintained, do we dedicate this monument. It is to these ideas, thus rescued from the profanation of rebel hands, that our nation owes all the glory of its past and all the hope of its future. To these ideas do we not only dedicate the monument but ourselves. The capacity of man for self-government as a political principle found its first distinct, emphatic, practical enunciation on this continent. Upon it the structure of our government is rested. Upon a faithful adherence to it depends the permanency of that structure. It is this principle which crystallized, within the limit of this republic, about itself all peoples and all tongues. It has brought to these fruitful fields earnest men and earnest women from every quarter of the globe, who, with high purpose and strong hands, have, within one generation of time, carved out a magnificent empire, the glorious future of which no imagination dare essay to portray. It has brought us here from the fields of Lexington and Concord, where the first shot of the farmer-soldier was fired in the revolution—a shot that was heard all round the globe. We are here from the shadows of the old South Church, baptized as it has been in the waters of a religious faith. We are here from the old Empire State, with its colossal commerce so extended that its sails whiten every sea and its fibres are interlaced with the fate of kingdoms. We are here from the home, for generations, of the poet, the philosopher and the scholar. From the fields of Germany, with whose sons patriotic devotion is an instinct, and the promise of united Germany follows closely

upon the successful achievement here of a united republic. Coming hither no question is asked from whence we come nor how much of wealth we bring. The question is: *What can you do?* and *How well can you do it?* The injunction then is—*Do it, and the best you can.* And thus with this unrestricted freedom of self-development a great nation has been made, because the men and women of that nation have made themselves great. That this freedom of self-development and improvement should continue in the future as it had obtained in the past, our soldiers maintained it in the field—they dedicated their lives to it. To that for which they dedicated their lives we dedicate this monument and ourselves. Our duties are not ended, our responsibilities are not discharged. The debt we owe the patriotic dead is not paid merely when this imposing ceremonial shall have passed away. The rebellion which our armies crushed was the outgrowth of political heresies, directly at war with the principles upon which our nation rested. This war had raged long before it flamed out into actual battle. It raged for years in the forum, upon the stump, through the press and in legislative halls. Meeting with no final success in either of these fields of warfare, the enemies of the nation transferred it to the field.

"The wager of battle is the final test. Its results admit of no revisions. From it there is no appeal. They that take the sword shall perish by the sword. And when the rebellion, four years ago to-day, sunk into the eternal night of utter defeat, not only were its armies beaten but the political heresies that those armies fought to maintain were beaten as well.

"The rebellion was a protest against the equality of manhood. War, in its stern results, has silenced that protest. The rebellion asserted the rightfulness of slavery and its continued existence as a political power. The victory of Grant at Appomattox silenced that assertion. The rebellion denied the universal dignity of labor; the downfall of its armies, the overthrow of its military power, met that denial with the triumph of an affirmative.

"It is the duty of us who are living, to see to it that there be no step taken backwards; that the standard which our conquering legion held and carried unscathed through the tremendous perils of the wickedest rebellion that the world has ever seen be lowered never an inch. True to this extent to ourselves, we will thus most highly honor the departed dead, whose loss we this day mourn. That we shall thus be true, this beautiful monument, and the statue of the Union soldier looking solemnly upon us will ever adjure us. Thus true to our duty, the mother whose boy died in this great cause and whose name is inscribed upon this marble, may ever look upon it and take comfort from it. The widow, whose husband died that the nation might live, may point her orphan boy to his father's name, and he will draw fresh supplies of patriotic inspiration from it. Old age and lisping childhood may visit it, and be inspired by its solemn teaching. And there, in the eternal marble, shall those names remain, growing brighter and brighter as the years recede. The future historian shall say of them, they fought bravely, they fell gloriously. They found four millions of human beings slaves—they made them freemen. They lifted four millions of



human beings from the barbarism of human chattelhood into the clear, pure air of American citizenship.

"And when the great nation for which they died shall finally have achieved its full mission, and there shall be no spot upon the face of the globe where the equality of man is not recognized, the names of these men inscribed upon the brightest rolls of this world's history shall challenge the admiration of all the ages. That this may be so, we devoutly pray. That it *shall* be so, we pledge ourselves.

"One word more. The credit of erecting this monument is not due alone to the men of Rock Island. As during the entire period of the war, the kindly charities and gentle ministrations of woman were everywhere found, so in this undertaking has she contributed her part.

"What the women of America accomplished during the war has passed into history—it has challenged the admiration of the world. From their achievements I may well say, that 'all that the poet has ever sung, or the historian written in favor of women, might well be applied to the women of America.' God bless the women of America."

In marked contrast, but to the lover of cold reason even more beautiful than the poetic sentiment of this oration, was a discussion of the sanctity of the law of contract which Mr. Storrs presented to John M. Palmer as Governor of the State of Illinois. Early in 1869, a bill to limit railroad fare within the boundaries of the State to three cents per mile was offered to Governor Palmer for his approval. In behalf of all the railroads, though nominally, as being the strongest opponent in fact, in behalf of the Illinois Central Railroad company, Mr. Storrs successfully opposed the would-be enactment, on the ground chiefly that the State has no sovereign power to impair or alter its own contracts. The charter of the railroad provided that the directors of the company should have the power, and hence the right, to establish rates of toll for person and property, and that they might levy and collect the same for the use of the company, upon the payment of a per centum upon its gross earnings into the treasury of the State. The charter, Mr. Storrs, assumed to be a binding contract; the contract granted a franchise which was fundamentally property and, no legislature can deprive a man of his property without due process of law. The legislature not being able to assume judicial functions, as "police regulations" or otherwise, the bill could not stand. Those admiring clear-cut reasoning can afford to stop to enjoy the following argument, given in full, where many others will pass it unread:

Mr. Storrs argued:

"I shall assume in this discussion :

"1. That the charters of the various railroad corporations in this State are contracts, binding upon each party thereto, precisely to the same extent as the various provisions of a contract would be binding upon individual parties.

"2. That the grant of any power to a railroad corporation by its charter, essential for the proper management of its business, becomes a right thus vested in such corporation, by force of the contract, which cannot be impaired by the State from whence the power is derived.

"3. That powers thus granted are attended with the necessary implication that they shall be *reasonably* exercised, but that such question 'cannot be determined by either party to the contract.

"The Act under discussion is general in its operation, and includes all the railroads now in existence in the State, over thirty miles in length.

"The intent of the bill clearly is to establish uniform rates of fares, by bringing all the railroads in the State within its operation.

"If by this bill, the rights which the State has granted to any one company are at all impaired or changed, the bill must fall, for as to such road it would clearly be unconstitutional, and the bill, if void in part, the intent not being severable, would be void *in toto*.

#### POWER TO FIX TOLLS GRANTED BY CHARTER.

"By the Act incorporating the Illinois Central Railroad Company, it is provided that 'The board of directors shall have power to establish such rates of toll for the conveyance of persons and property upon the same, as they shall from time to time by their by-laws direct and determine, and to levy and collect the same for the use of said company.'

"I am of opinion, that were this power to affix tolls not expressly granted, it would exist by necessary implication ; but I refer to this as the language employed in it is so clear that there can be no possibility of misunderstanding it. It is a grant of power to the company,

1. To affix rates of toll for freight and passengers.
2. To determine for itself what those rates shall be.
3. To levy and collect the same.

"Thus the State has granted to the Illinois Central Company a power distinct, definite and valuable in its character, and without the right to exercise which the franchise is utterly valueless. Without the power to levy and collect tolls, for freight and passengers, it is difficult to see how a railroad could be managed at all, unless it were purely from motives of benevolence. The State has agreed with this company that *they* may affix rates of toll. Has the State violated, or is this bill an attempt to violate, that contract?

"The answer, it seems to us, is clear. By this bill, the state declares to the road, 'you shall no longer affix tolls for passengers and freight, as we have agreed that you may, but *we* will hereafter affix those rates.' The right thus conferred by the charter is a grant of power, the exercise of which is essential to the proper prosecution of its business. This grant of power is, by the bill under discussion, revoked. The grant is withdrawn,

and the power which the State has said to the company it may exercise, it withdraws, and proposes to exercise itself. It seems idle to us to argue whether this attempt by the legislature impairs the obligation of the contract. It not only impairs, but it destroys that contract. It is not merely a failure to give to the company what the State has already agreed that it may have, but it is wresting from the company a power conferred upon it, and exercising that power itself.

"The contract by the State is, that the directors of the company may affix such rates of toll as *they* 'may direct and determine.' But by this law the legislature declares to the company that it can only affix such rates as the legislature 'may direct and determine.'

"That this is an essential alteration of the charter is clear beyond dispute. That it changes the rights of the parties to that contract cannot admit of doubt; and that it is beyond the power of the legislature, of its own will, to lessen the obligations of the State, to enlarge its rights, or to extend the obligations of the company under the contract, is too well settled to admit of discussion.

"It would seem clear that if it was within the power of the State to interfere with the right to affix tolls, it might also as well interfere with the granted rights to levy and collect them. If it could say that the company could levy and collect one cent per mile for passengers, it might as well declare that it could levy and collect no passenger fares whatever. Not only does the bill now under discussion offend in the particular that it prevents the company from exercising its ceded right to direct and determine what the tolls shall be, but it also prevents the company from levying and collecting tolls beyond a certain amount. The concession of this right to the legislature involves an admission of power by them to destroy the entire revenues of the corporation, by preventing them from levying or collecting them.

"Upon the theory of this bill, the rates of toll for freight and passengers on the Illinois Central Railroad, might be reduced so that the gross receipts might be insufficient to pay the actual expenses of the road, and yet the company would be obliged to pay its per centum upon its gross earnings into the treasury of the State.

"The charter of the Central road provides that the directors of the company shall have the power, and hence the right, to establish rates of toll for persons and property, and that they may levy and collect the same for the use of the company. The right upon the part of the directors to establish and collect toll, is a clear, unmistakable right, by the express provision of the charter. This law has taken away that right from the directors and given it to the legislature, thus superseding the directors, by the appointment of the legislature as the competent authority to establish and collect tolls.

"This is the exercise of a special function on the part of the legislature which is expressly prohibited by the letter of the Constitution, and in violation of the fundamental theory of American politics, that the government is in distinct, independent, co-ordinate departments. It is an invasion of the department of the judiciary."

## THE REASONABLENESS OF RATES A JUDICIAL QUESTION.

"It is contended, however, that the grant of power to the corporation to determine and affix tariffs for freight and passengers and to collect the same, is accompanied with the implied reservation, that the power must be *reasonably* exercised. That the tolls thus affixed must be reasonable.

"This might be conceded, but, as we think, the establishment of that doctrine does not advance the argument. The question then at once arises, By whom shall the reasonableness of the tolls imposed be determined? Our answer is, By the courts, and by the courts alone.

"If the construction which is sought to be put upon a contract varies the contract, changes any of its terms, or alters the obligation of the parties to it, such construction would be as obnoxious to the Constitution as would a direct attempt to avoid or change it.

"The act in question does not in this particular merely construe the contract, but it determines the liabilities and duties of the parties under it. It attempts to decide whether a certain line of action under the charter is consistent with it, and justified by it. It attempts to decide what, under the contract, the parties to it may not do. The decision of such questions cannot be assumed by the legislative department of the government.

"This act declares substantially—

"1. The grant of power to affix rates contained in the charter must be understood to be exercised within reasonable limits; and,

"2. The charge of over three cents per mile is unreasonable, and therefore a violation of the contract.

"No one, I apprehend, will deny for a moment that the right to affix tolls for passengers and freight is expressly conferred by its charter upon the Illinois Central Railroad Company, and either expressly or by implications upon all other companies, nor will any one claim that there is any limitation upon the exercise of that right other than that it must be within reasonable limits, and to say that without trial, evidence, or any opportunity of being heard upon the subject, the *legislature* may decide that the company has exceeded those limits, seems to us like a violation of every principle of constitutional law and natural justice.

"Upon this point, authority is abundant. Thus in *Newland v. Marsh*, 19 Ill. 383, the court say, 'The legislative department assuming and being allowed to judge of the character and extent of its own powers, would soon become the *ex parte* arbiter of private rights, and the frequent dispenser of justice between citizen and citizen, unrestrained according to its own notion of right. . . . The legislative power extends only to the making of laws, and in its exercise is limited and restrained by the paramount authority of the federal and state constitutions. It cannot directly reach the property or vested rights of the citizen by providing for their forfeiture, or transfer to another, without trial and judgment in the courts; for to do so would be the exercise of a power which belongs to another branch of the government, and is forbidden to the legislative.' In *Sedgwick on Statutory and Constitutional Law*, pages 146, 147, the rule is thus stated: 'It is, then, as a general rule, equally true of England and of the United



States, that while the law-making power is exclusively confined to one branch of the government, *that department neither construes nor enforces its own acts.* The enactment of laws belongs to the legislature, *their construction and application to the judiciary*, the enforcement to the executive.' In *Lane v. Dorman*, 3 Scammon, this language is held: 'By the first section of the first article of the State constitution, the powers of the government of the State are divided into three distinct departments, and each of these confined to a separate body of magistracy, viz, those which are executive to another, and those which are judicial to another.

"By the second section of the article, no person or collection of persons being one of those departments, shall exercise any power properly belonging to either of the others, except as is therein expressly directed or permitted. The exercise of judicial powers by the General Assembly is not one of the exceptions, nor is it one of the permissions contained or referred to in the proviso to this second section; consequently the exercise of such powers by it is positively forbidden and expressly inhibited, and has been delegated solely to the judicial department. The inquiry thus becomes important, has the legislature, by the passage of this law, violated this provision of the Constitution?

"It will be seen, from the synopsis of the act made, *that evidence must be presumed to have been received and facts ascertained by the legislature, before its decision, or it has without such evidence arbitrarily assumed the facts to exist; and on such ascertainment or assumption, a decision is made in the nature of a decree.* For the act directs a sale of lands, and orders the appropriation of its proceeds to the persons on whose application, and for whose benefit, the act was adopted, and adjudges the costs to be paid out of the estate. If this is not the exercise of a power of inquiring into, and a determination of facts between debtor and creditor, and that, too, *ex parte* and summary in its character, we are at a loss to understand the meaning of terms; nay, that it is adjudging and directing the application of one person's property to another, on a claim of indebtedness, without notice to or hearing of the parties whose estate is divested by the act.

"That the exercise of such powers is, in its nature, clearly judicial we think too apparent to need argument to illustrate its truth.

"It is so self-evident from the facts disclosed that it proves itself, and it is not less certain that the exercise thereof is in direct conflict with the articles of the Constitution cited.

"It can hardly be presumed that in this case evidence was introduced before the legislature as to the reasonableness of the tolls for freight and passengers now imposed by the railroad corporations of this State. The question is vital, and in its decision the companies are quite as much interested as the public. No decision can be rendered against it, on such a point, unless the company has failed either in the performance of the duties which the charter has imposed upon it, or has exceeded the powers which the legislature conferred.

"Whether the Illinois Central Railroad Company has failed in the performance of any of its duties or exceeded its powers, must, so far as the pre-



sent question is concerned, rest entirely upon the fact whether its charges are grossly unreasonable. It attempts, we will say, to charge four cents per mile for passengers, and the State, or rather the legislature, asserts that it possesses no power to charge that sum, and that it has no right to charge over three cents per mile. It is quite competent for the State to *raise* that question, but it is not competent for it to *decide* the question. To concede that such a question, involving the right of one party to the contract, could be determined by the other without evidence, is too flagrantly unjust to admit of discussion, and the hearing of evidence in such a case is equally clearly beyond its powers.

"The tribunal to which the decision of these questions is confided is the courts. By no other department of the government can the hearing and decision of questions of conflicting right between parties be had.

"The assumption of such a power by the legislature, even in the adjudication and decision of rights between third parties, would be unendurable, but when the State affects to exercise that power in the case of a contract to which it is a party, the case is infinitely worse, and would be permitted under no system of government now known among civilized men.

"If it be conceded that it is beyond the power of the legislature to decide whether fares are reasonable or unreasonable, the conclusion then inevitably follows that the law is unconstitutional, because, that by the act under discussion the legislature *does* attempt to decide what rates of toll are reasonable or unreasonable is clear beyond question. This, as we have seen, is an assumption of judicial power, which, by sec. 2, art. 2, of the Constitution, is expressly prohibited. That section provides, that 'no person or collection of persons, being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted; and all acts in contravention of this section shall be void.'

"The mere fact, therefore that the bill under discussion does assume to decide that the companies have no power to fix rates of passenger tolls, beyond a certain price, and does attempt to decide what rates are *reasonable*, brings the bill directly within the operation of the section of the Constitution I have quoted, and it is and must be declared *void*.

#### WHAT ARE POLICE REGULATIONS.

"It cannot, we think, be successfully contended that this bill amounts merely to a *police* regulation, which the State might, by virtue of its sovereign authority, rightfully make.

"The right to affix tolls is a grant of power secured to the railroad companies by their charters. It is a franchise most valuable in its character.

"This right the company possesses by virtue of the agreement made with the State. In the case of *The Regent of the University of Maryland v. Williams*, 9 Gill & Johnson, 403, it was held that a power conveyed by the charter to pass ordinances and make regulations for the discipline and government of the University, was a franchise which could not be taken away by the act of the legislature. In *The Bank of the Republic v.*

*County of Hamilton*, 21 Ill. 59, the distinction is drawn between powers secured to the corporation by contract, and those which are mere endowments of their existence. 'The former,' the court says, 'are their property, of which they cannot be deprived without just compensation.'

"No power certainly could be more explicitly conveyed, than the grant to the Illinois Central Railroad Company, to fix such rates of toll for tariff of passengers as the directors may determine. It is the contract of the State with the company, about which there can be no room for construction, for the language is unmistakable in its meaning.

"The regulation requiring the ringing of bells, the erection of warning posts, etc., are purely police regulations, which, as the sovereign power, the State has a right to make, for securing public and individual safety.

"In such case, however, the power is thus exercised by the State, not as a party to the contract, but as a sovereign power acting for the safety of all its citizens. The general rule is well stated in *Cooley's Constitutional Limitations*, p. 279.

"Those charters of incorporation, however, which are granted not as a part of the machinery of government, but for the private benefit or purposes of the corporators, are held to be contracts between the legislature and the corporators, based for their consideration on the liabilities and duties which the corporators assume by accepting them; and the grant of the franchise can no more be resumed by the legislature, or its benefit diminished or impaired, without the assent of the grantees, than any other grant of property, or valuable thing, unless the right to do so is reserved in the charter itself.' See, also, cases cited.

"And so again, in the same book, page 362, the author says: 'But a vested right of action is property in the same sense in which tangible things are property, and is equally protected against arbitrary interference. Where it springs from contract or from the principles of the common law, it is not competent for the legislature to take it away. Nor can a party, by his misconduct, forfeit such a right, *unless steps be taken to have the forfeiture declared in due judicial proceedings.*'

#### PUBLIC SAFETY.

"An attempt by the legislature to interfere with an expressly ceded power to affix tolls and to levy and collect them can be justified on no ground of public safety. If those rates are *reasonable*, public safety would not demand that they be interfered with. The *general* right to impose tolls cannot be impaired because it is specially granted. Such power is exercised in entire harmony with public safety so long as the tolls are reasonable. When they cease to be reasonable is a question which courts must decide, and merely calling an attempt to decide that question the enforcement of *police* regulations, makes the act none the less an assumption of judicial power, and none the less an impairing of the obligation of the contract. The case may thus be stated: If the tariffs of charges for freight and passengers are reasonable, then no consideration of public safety can justify an interference with them.

"If they are *unreasonable*, the remedy is with the courts. Whether they are or are not reasonable, is a question which must be decided upon evidence, and after hearing both parties, as well the party to the contract, who, it is deemed, has violated it by charging unreasonable rates, as the party who alleges that such violation has been made.

"In short, the rates of fares are in no way connected with considerations of public safety. The subjects are distinct and utterly dissimilar, because neither public safety nor private safety is at all involved in the *amount* of fare which the passengers may be compelled to pay.

#### RAILROADS HAVE NOT BEEN REPRESENTED.

"It can hardly be said that the railroad corporations have had a hearing before the legislature, nor can it be said that they have been *represented*. It is sometimes charged, indeed, that a particular railroad has its representative in either the Senate or the House, but the *people* are represented in the legislature, and railroads, as such, are not and cannot be.

"Even were it, in a theoretical sense, true that, in a certain vicarious way, the railroad companies were represented in the State legislature, still that would not answer the objection that, in the decision of the question as to the reasonableness of charges, no hearing has been had and no evidence taken. There has been no trial, and, in the State Legislature, there could be none. Certainly if the legislature, the other party to the contract, was to sit as a court on the decision of this question, the railroads would have good reason to complain, or if they supposed that a court thus constituted was at all prejudiced in the case, ought certainly to be entitled to a change of venue.

#### PUBLIC CONVENIENCE.

"Nor are considerations of public convenience of any force in justifying this bill. In any case where it is admitted that considerations of public convenience are sufficiently strong, and its demand sufficiently exigent to require the interposition of legislative power, such power can only be exercised to secure the convenience of the whole public, as an exercise of the right of *eminent domain*, and upon just compensation paid.

"*Private* convenience can justify no legislative interference with private rights; nor would the fact that it was inconvenient for a certain passenger, or a number of passengers, to pay more than one cent per mile for riding on a railroad train, justify the legislature in declaring that the railroad company must suit itself to the pecuniary convenience of such passengers, and carry them for one cent per mile, on the ground that it was a police regulation, or on any other ground.

#### THE ACT IS ILLIBERAL.

"By section 6 of article 10 of the Constitution, it is provided that 'the General Assembly shall encourage internal improvements by passing liberal general laws of incorporation for that purpose.' By the passage of this law, the legislatures have given construction to the charter of the Illinois Central Railroad Company, as they have given construction to the charter of

all other roads; and the construction thus given by the assertion of the right to interfere with and control the exercise of the right to establish tolls, is most illiberal, and contrary to the spirit of the Constitution, as above quoted.

"The law, in its operation, will prevent the investment of capital in internal improvements, by being illiberal towards corporate rights, and by becoming a part of all acts of incorporation, will tend to subvert the great purpose of the Constitution in its provision for such a system of liberal legislation as will tend to foster and promote public improvements.

"It is also to be borne in mind that the requirements of the law are exceedingly stringent, in demanding from the companies the exercise of the utmost of human care, sagacity and foresight, and the use of all modern appliances to secure the safety of the passenger. These results can only be secured from the revenues of the corporation, derived from its imposition of tolls for freights and passengers. It can hardly be expected that such an obligation can be performed in its full measure, if the legislature deprives the companies of the means by which safety is to be secured. The effect of continuous interference by the legislature with the fixing of rates for passengers and freight, can be no less than seriously to impair the revenue of these corporations, and their ability to discharge the duties which the law has imposed upon them.

#### LEGISLATIVE POWER OVER NATURAL PERSONS.

"It is claimed, as we understand, that inasmuch as it is assumed that the legislature has the power to affix the rates of charges imposed by a common carrier, where such carrier is a natural person, it must possess the same and equal power over a corporation, which is a being of legislative creation.

"Without stopping here to discuss the question whether it is within the power of the legislature to say to a man engaged as a common carrier, by his own private methods of conveyance, that he shall only charge certain rates for his services, it is clear that there is and can be no similarity between the cases. The question in this connection is, whether *one party to a contract* even though one of those parties be the State, can impair its obligation or affect its terms. If the State had entered into a contract with a private individual by which, upon payment of a certain consideration by such individual, it had agreed that he might affix such charges as *he* might see fit and determine, the same question, it might with some propriety be said, would be presented as is involved in the discussion of this bill. The distinction between the case put by the advocates of the bill, and the one presented by the bill itself, is the very obvious one of the difference which always exists, and always must exist, between the obligations of parties to each other, where those obligations are defined and fixed by contract, and where they are simply the general obligations subsisting between them as citizens.

"The question presented by this bill is, whether it impairs the obligations of a *contract*, and it is not what the power of the State may be in the

exercise of its merely political functions over its citizens. The State has no sovereign power to impair or alter its own contracts, or the contracts of any one else. If the contract of the State is with an individual, it cannot impair it. If with a corporation, it cannot impair that.

"I deem it unnecessary to discuss the metaphysical powers of governments generally. It is sufficient to say that in this country legislative power is limited by the fundamental law. The legislature of the State can pass no law impairing the obligation of a contract, and that a charter granted to a corporation is a contract, is fundamental.

"The legislature can deprive no freeman of his property, without due process of law, and that a franchise granted by a charter is property, is fundamental.

"The legislature cannot assume judicial functions, and any act of that character is utterly void. The question presented by this bill is, Does the act fall within any of the above stated limitations of legislative power? and any time expended in discussing what the legislature might do with a corporation, or an individual, to whom it was bound by no contract, is, we suggest, wide of the mark, and a waste of time. It will be sufficient to decide what a legislature may do in regulating the business affairs of its citizens when that question arises. The question now is, What may the legislature do with reference to the rights of parties or corporations which it has secured to them by contract?

"If the charters of the railroad companies are contracts, if the right to fix tolls is a franchise, the bill is unconstitutional, because it seeks to deprive the companies of those rights. The same would be true of any private individual similarly situated.

THE BILL RELEASES THE ILLINOIS CENTRAL FROM THE PAYMENT OF ITS  
PERCENTAGE.

"The effect which this bill may have upon the payment, by the Illinois Central Railroad Company, of the percentage upon its gross or total proceeds, receipts or income, derived from said road and branches, cannot be safely overlooked.

"Sec. 8 contains a grant of power to the company, as has been seen.

"The 18th section provides that 'in *consideration* of the grants, privileges and franchises hereby conferred,' the said company shall make the payments.

"It would seem clear that these considerations are dependent upon each other. That a failure by the company to make the payments stipulated, would result in a forfeiture of its charter upon *quo warranto*, and with equal force, that a withdrawal by the State of the franchises, which it had conferred, constituting the consideration upon which the company had agreed to pay its percentage, would operate to relieve it from making such payment, is undeniable.

"The amount of that percentage being about six hundred thousand dollars per year, any act which would release the company from its payment is sufficiently serious to the tax-payers in the State to justify with-



holding assent to any bill, the result of which *may* be to withdraw that large sum from the revenue of the State.

"The benefits of this bill are, in a great measure derived by non-residents who make up a great share of the passenger traffic of our railroads. The burdens imposed by the loss of this large sum, fall in increased taxation directly upon our own people.

"It is easy enough to *say* that this bill has no such effect, but I submit that the enjoyment of the franchises conveyed by the charter, is a condition precedent to the payment of the percentage by the company, for it is expressly declared that the agreement of the company to pay the per-centum is '*in consideration* of the grants, privileges and franchises herein conferred.'

"*Finally*, This legislation is crude, and does not reach the grievances of which complaint is made. The effect of this bill upon the future commercial interests of the State is sufficiently serious to require the most careful and deliberate investigation before action shall be had. No argument can add to the mere statement of the supreme importance to the interests of the State of this question. The extreme sensitiveness of capital to legislative interference, its generally conceded readiness to submit its interests to the decision of the courts, must induce, it seems to us, a reluctance to invest in future railroad enterprises in the State, and necessarily divert the current of trade from our own to other States.

"That the people have suffered grievances at the hands of railroad corporations may be true, but so long as courts are open, and our judiciary possesses the entire confidence of the people, it is believed that those grievances may be redressed by resort to judicial tribunals, where facts may be certainly and definitely ascertained, and rights adjusted upon the basis of the facts thus determined."

## CHAPTER XIV.

### THE FREE TRADE QUESTION, 1870.

MR. STORRS' LUCID EXPOSITION OF ECONOMIC QUESTIONS—THE HIGH TARIFF A WAR MEASURE—A NEEDLESS SURPLUS IN THE TREASURY—A GENERAL DEMAND FOR A REDUCTION OF TAXATION—THE "PROTECTION OF AMERICAN INDUSTRY"—THE FARMERS NEED TO BE PROTECTED AGAINST PROTECTION—"THE GREATEST GOOD OF THE GREATEST NUMBER," A FUNDAMENTAL PRINCIPLE OF AMERICAN POLITICS—PROTECTION AND SLAVERY—ONE KIND OF INDUSTRY COMPELLED TO PAY TRIBUTE TO ANOTHER—PROTECTION DIMINISHES REVENUE—A SYSTEM OF LEGALIZED PLUNDER OF THE CONSUMER—DIVERSIFYING LABOR BY LEGISLATION—"THE PAUPER LABOR OF EUROPE."

OF all the fields of human inquiry, perhaps there is none so arid and uninviting as political economy, which Carlyle, not without reason, called the "dismal science." In 1870, addressing a convention at Springfield, Illinois, which was largely made up of agricultural representatives, Mr. Storrs showed that by his power of lucid exposition and happy illustration he could make even an economic question interesting. The people generally were crying out for a reduction of the heavy burdens of taxation imposed for the purpose of carrying on the war, and to which they had patriotically consented as a necessary war measure. These taxes were raised by means of the most oppressive prohibitive tariff on foreign goods, and a correspondingly high tax on goods of domestic manufacture; and now that the war was ended, and the government had an enormous surplus of one hundred millions of dollars in the Treasury, men of all political parties naturally thought the time had come for a substantial measure of relief.

Mr. Storrs' address is a masterly exposition of the tariff, and of

the protectionist fallacies which were then everywhere being brought forward in favor of its continuance. In later years, he saw reason to modify his opinions, under circumstances which will be narrated in the proper place. His free trade manifesto in 1870 was as follows :

"The grave political questions arising during the progress of the rebellion, and the questions resulting from the war, as affecting the restoration of the seceding States, are so far settled at least as to justify the direction of public attention to, and the discussion of, questions of a financial character, which are, whether we would have it so or not, pressing for decision.

"It may quite safely be said that no attempt at all serious in its character will be made by any political party to re-open the questions settled by the war. The right of secession from the Union was conclusively denied at Appomattox Court House. The freedom of the slave is an accomplished fact. The repudiation of the national debt has received its quietus at the hands of the people and in Congress ; and although there are wide differences of opinion still existing as to the manner in which the debt shall be paid, it is quite safe to say that all parties are agreed that it shall be paid.

"During the prosecution of the war it was deemed necessary, in order to enable the government to meet the gigantic expenses which its prosecution entailed, to impose upon every conceivable product of human use, wear, or consumption heavier tariffs than had ever before been known in our history. Taxes were also levied upon nearly everything that we ate, or drank, or wore, upon the product of our industry, upon the articles which we manufactured, and upon the incomes which are derived from the prosecution of our business, whatever that business might be. But little complaint was made against these tariffs and taxes while the war was pending. They were regarded by the great mass of the people as war measures, and to cease when the war itself ceased. Moreover, as every form of industry and almost every character of business was stimulated to a feverish activity by the vast requirements of the government, aided in no small degree by a paper currency, these taxes, onerous as they were, were easily paid, and hence, during that period of time, public complaints were not frequent. But the war finally ended. The vast demands of the government upon the industry of the country ceased. Nearly a million of men who had been engaged in the armies, relieved from those duties, returned quietly but suddenly to their ordinary pursuits. As the currency was contracted and appreciated in value, prices began to shrink, and under such a change of circumstances the burdens of taxation began at once to be felt, and the desire in some measure to be relieved from those burdens came to be almost universally expressed, and the necessity for some such relief is urgent and undeniable.

"I have said that the imposition of the heavy tariff during the war, and the general scheme of taxation then adopted, were generally regarded as war measures, to be dispensed with when the war itself should cease. The war ceased four years ago ; but the tariffs have not ceased, nor have they

even been lessened. Nay, they have been increased since the close of the war.

"The requirements of the government are certainly not as great as they were five years ago. Its expenses have been, during the short period of time that General Grant has been President, reduced many millions. A vast amount of the national debt has already been paid, and in the midst of general business depression the over-burdened public are curiously enough confronted by a surplus which will, during the year 1869-70, reach at least one hundred millions, and probably one hundred and twenty-five millions of dollars. A surplus so gigantic demonstrates, better than any argument could possibly do, that taxation is unnecessarily high. The fact that the government will have, during the current year, from one hundred to one hundred and twenty-five millions of dollars beyond its actual wants and necessities is of the greatest significance when placed by the side of the other universally conceded fact that taxes and tariffs are seriously burdening the industry and the prosperity of the people.

"A demand to reduce the tariff to something like its former proportions cannot be met by the answer that the necessities of the government, in the payment of the principal or interest of the public debt, require that the present rate of tariffs shall be maintained, for the government is certain to have, during the current year, one hundred and twenty-five million dollars more than it will require for the payment of all its expenses, including the maturing interest upon its debt. However desirable the speedy payment of the national debt may be regarded, there are probably but very few men who would deem it wise or prudent to attempt its entire payment within a period of ten or fifteen years, nor would the people readily consent that from one hundred million dollars to one hundred and twenty-five million dollars over and above the interest upon the debt, and the ordinary expenses of the government, should be yearly raised by taxation and tariffs, even were that sum to be religiously appropriated toward such payment.

That the people are under a serious and oppressive burden of taxation is a fact so conspicuous that it cannot be denied. How shall that burden be lightened? is a question now being asked in language so emphatic that some satisfactory answer must be made to it. The present administration has achieved much by the steady reduction of the national expenses and by increased efficiency in the collection of the revenue, but still there stands, in a time of profound peace, an enormous tariff, the effect of which is felt in every department of business, and the maintenance of which enhances the cost of living of every man in the land. Why should that tariff be continued? The fact of the surplus to which I have referred demonstrates that it is not necessary for the support of the government, and so those who are interested in maintaining it are compelled to place their demands upon what they call the "protection of American industry."

"As briefly as may be, I purpose this evening to discuss a few general principles affecting the theory of protection. It will be quite impossible to enter very largely, if indeed at all, into detail. And first I will inquire

precisely what is meant by protecting American industry? Against what, or against whom, is American industry to be protected? Who attacks, or proposes to attack, American industry? How is the attack made? Is American industry so feeble that it cannot, without assistance from the government, protect itself?

"These are all vital questions. If no one is attacking American industry, it needs no protection. If it is able to defend itself, it should call for no protection. The forms of American industry are wonderfully diversified. The great body of the farmers of the country constitute a large element of what may be called American industry, and I know of no attack upon them so serious in its character as that made by the tariff; and if the farmers need protection against anything, it is against protection. There are thousands of printers in the country; who attacks or proposes to attack them? No one, except it be the tariff, which enhances the cost of the material with which their industry is carried on, of the clothes which they wear, of the coal which they burn, of the lumber with which their homes are built, of the salt which they consume, and of the books which they read. There are thousands of ship-builders in the country; who attacks them and their interests, and from what enemy do they need to be protected? The deserted ship yards of the East answer this question—they need to be protected against protection, and that is all the protection they need. The thousands and hundreds of thousands of carpenters and joiners, boot and shoemakers, blacksmiths, and the daily toilers with their hands, upon the land or upon the sea, are threatened with no attack against which, for their own protection, the intervention of the government is necessary.

"The fundamental principle of American politics is 'the greatest good to the greatest number.' As a member of the Republican party, I at the organization of that party believed that the institution of slavery was a special interest. I was willing to say of it, 'if it can stand up and sustain itself against the sharp and eager competition of free labor, let it stand. If it cannot, let it fall. I am opposed to protecting it, for the protection of that interest is a war upon all other interests.' I deny that the imposition of heavy tariffs upon particular articles of manufacture is protection. It is a burden instead of a protection; a burden upon all those who use or consume such articles; a bounty to the persons manufacturing them, that bounty being paid by the consumer; and if the consumers are more numerous than the manufactures, the fundamental idea of our politics is at once violated, government then being administered, not for the greatest good of the greatest number, but for the greatest good to the least number, and the least good to the greater number. Moreover, it is not the policy of our government to confer special privileges upon any special classes of men. Our theory is that of individual development, of leaving each man the architect of his own fortunes. All that our government, or indeed any government, should do is to see to it that in the race each man starts, before the law, even with his neighbor. In such a race, to place extra weights upon the swift-footed and the strong-lunged man is not, in fact, protection to the weak-kneed and the



narrow-chested man. He runs no faster, nor will his legs or lungs hold out any longer, by reason of the weights which are put upon his competitor. He may under such circumstances, win in the race; but the purpose of government is that the swiftest, and not that the slowest man shall win. Who would dream of calling such a policy 'the protection of American speed, wind, and bottom?' In such a race I would prefer to see the iron manufacturer and the farmer start even; but, if the farmer is to be loaded down with heavy weights of taxation, and not only that, shall be compelled to stop and lift his competitor over all the rough places which he may encounter on the route, I should call it a very unfair race, and would never think, were it not suggested by the iron manufacturer himself, that I had all the time been protecting American industry. Reason and refine upon it as we may, protection to any manufacturing interest means simply such legislation as enables the manufacturer to sell his manufactured article for a higher price than he otherwise could obtain, and which compels the consumer to pay for such article a higher price than he would otherwise be compelled to pay. If it does not mean this, it means nothing. If the tariff which is imposed for the purpose of protection does not enable the manufacturer to sell his wares at a higher price than they would command without the tariff, of what use is the tariff to him? For the only way in which he can be benefited is by the enhanced price. This enhanced price the consumer is obliged to pay, not to the government, but to the manufacturer; and thus one kind of industry is compelled to pay tribute to another. A special class is privileged and enriched at the expense and to the impoverishment of another class. The home manufacturer is completely protected only when he succeeds in shutting out and excluding from competition with him the wares of the foreign manufacturer. When that is accomplished, revenue ceases; and in precisely the same proportion that a tariff operates as a protection to the home manufacturer, does it operate to reduce the revenues of the government.

"Not only does the so-called protection system offend in the particulars which I have named, but it is also a direct violation of the liberty of the citizen to sell where he pleases, and to buy where he can buy cheapest. Every man should be permitted to sell his labor where he can get the highest price for it. The question is not, after all, how many dollars does the laboring man receive for a day's work, but how much of what he must consume will his day's labor purchase? If a day's labor at \$3 per day will purchase for the laboring man his hat, or his boots, or the blanket which he needs, he is receiving better pay than when he gets \$5 per day, but his boots, or his hat, or his blanket costs him \$10. The laborer should be permitted to take his labor or its products to the market, where, in exchange for those commodities which he needs, he can get the most of such commodities. But to compel the farmer to exchange one day's labor for one yard of cloth manufactured in New England, when he might exchange the same amount of labor for two yards of cloth manufactured in Old England, is merely a system of legalized plunder of the farmer, instead of protection to American industry.

"I apprehend that, should the government levy a direct tax upon all the

property or the country, to be paid over directly to the iron manufacturers, so that they might be enabled to hold their own against the competition of the foreign manufacturers, but few would be found who would justify such an exercise of the power of taxation. If there is any difference between such a plan and a tariff for protection, the difference is against the tariff. When reduced to its exact practical operations, the protection of American industry, so called, is simply the forcible taking from the consumer of a portion of his earnings, and handing it over to the manufacturer. The proposition to the consumer is simply this: We, the government, will take from you 10 or 15 or 20 per cent. of your earnings, and give it to the manufacturer, and he will spend it so much more judiciously than you would, that ultimately, and in the process of time, it will, in some curious and circuitous manner, which we haven't the time to explain now, rebound more greatly to your advantage than it would had you spent it yourself and for yourself.

"We are all now in favor of free speech, free thought, free soil, free labor; what is there about trade that it should not be free? If I am permitted to attend church where I please, to think upon all political and religious subjects as I please, why should I not be permitted to buy and sell where I please? Why should I be compelled to make my exchange of coin for woolen and cotton goods in New England, my exchange of my wheat for iron goods in Pennsylvania, my pork and beef for salt at Syracuse or Saginaw? Am I, thus compulsorily driven to a particular market, a free man? So far as my corn and wheat and pork and beef are concerned, I have to come in competition with the world. The prices which I secure for them are fixed by the markets of the world. I am compelled to sell, giving to the purchaser all the benefits of the largest competition, but am compelled to purchase in a restricted market. This, we are assured, protects American industry.

"The evils resulting from the protective system being so direct and immediate, so plain and so easily understood, we are naturally led to inquire. What compensation does the system furnish for the many evils which flow from it? It will hardly do to answer this inquiry by saying that the system fosters and encourages American industry, for if the entire agricultural interests are compelled to pay tribute to the manufacturing, certainly the former are not thereby fostered and encouraged in following agricultural pursuits. The ship-builder is not fostered and encouraged in building ships so long as, through the operation of a tariff, he is compelled to pay so high a price for almost every article which enters into the construction of a ship that it costs him nearly twice as much to build a ship here as it costs the Englishman to build one in his own ports. So long as that difference exists in the cost of ship-building, those who desire ships will have them built where they can be built the cheapest, and the industry of our home ship-builder, so far from being fostered and encouraged, is destroyed, and he is driven from that employment.

"But we are assured that by the protection of home industry we furnish a home market for our own products. It requires some argument, and pretty close attention, to the statement of the argument, to clearly perceive

how the farmer, in being compelled by a protective tariff to pay for his reapers and threshers, his hoes and his spades, his wagons and his harness, his clothing and his salt, anywhere from 15 to 20 per cent. more than he otherwise would be compelled, receives an adequate compensation from the fact that the persons to whom these prices are paid reside at Pittsburg and Lowell, instead of at Sheffield and Manchester. It is quite true that the man who employs his entire time in manufacturing iron will not be able to till the soil, but this is quite as true of the artizan in England as in Pennsylvania. In order to enhance the price of grain, the general demand for it must be increased. Our grain market responds as readily to the State of the English harvests as to the condition of our own. If to-day one half the laborers in the fields in England should be withdrawn from that form of industry, that vacancy not being supplied, and at once transferred to the mill and the workshop, the effect would as readily be felt here as should the same transfer be made from our own fields. Unless the system of protection decreases the number of grain producers, I fail to see how it is to affect the prices of grain advantageously. It is not, I believe, claimed that protection actually increases the population. The system creates no additional mouths, and unless it be demonstrated that the worker in an iron mill or in a cotton factory eats more,—is from the nature of his pursuits a hungrier man than other kinds of laborers,—I fail to see how, by the protective system, the grain market is improved.

“We are also assured that the protective system keeps gold at home ; that, inasmuch as it is not expended for foreign manufactures, it is retained in the country, and we are thereby made the richer for such retention. Even if that result were certain to follow from the protective system, it, would by no means furnish a substantial argument in its favor. If my gold will buy me more of what I need by expending it abroad than at home the actual wealth of the country is lessened by compelling me to spend it at home. If I receive for my labor five dollars per day, in gold, and with that gold can buy one blanket in New England and two blankets in Old England, I am a loser, and the country is a loser, in compelling me to buy my blankets in New England. I am worth, under such a system, just one blanket less than I would be without it. The gold which I receive represents my day's labor, and the more of what I need to consume I am enabled to get with my day's labor, the better I am off.

“Another point strenuously urged by the advocates of protection is that it diversifies American industry. I do not believe that industry can be diversified by legislation. I do not believe that the natural tendencies of mankind, particularly in this country, set so strongly towards the tilling of the soil, and rural lives, that an act of Congress is necessary to check them. The necessities and wants of men are all the provocatives needed to diversify labor. This has been shown to be so from the beginning of the world ; it will probably continue so to the end. Our first parents were, in their first and happiest condition, engaged in purely rural pursuits and pleasures. After their expulsion from Paradise, Adam was compelled to manufacture either a hoe or a spade, before he could dig the soil. Eve also manufactured an

apron. Tubal Cain was a blacksmith. Abel was a wool grower. Noah was at one time a ship-builder, and after the flood manufactured wines from grapes grown in his own vineyard, and, as we are informed, was on one occasion at least a very liberal consumer of his own products. We do not all raise wheat and corn, although we all consume bread. But the farmer needs something besides bread. He needs clothing, and the manufacturer supplies it to him. His horses must be shod,—the blacksmith does it for him. His grain must reach a market,—the carrier takes it to the market for him. He must have a house to shelter himself,—the mechanic builds it for him. His children must be taught,—the schoolmaster teaches them for him. He must have books and papers to read,—the printer and the publisher furnish them. The manufacturer of clothes, the blacksmith, the carrier, the mechanic, the teacher, the printer, and the publisher, by the various articles which they furnish the farmer, supply themselves with bread. The very structure of civilized society is rested upon this variety of wants and necessities, and the consequent variety and diversity of employments by which they may be supplied.

“But I insist that the natural result of the protective policy is not to diversify labor, but to commit it to some particular channels. For if, through the intervention of the government, the manufactures of iron goods and woolen goods receive particular benefits and advantages at the expense of other forms of industry, the industry which is pursued without these adventitious aids will certainly desire to change its form and adopt the kind thus specially favored. When the farmer and the printer, the ship-builder and the carpenter, find that the government leaves them to take care of themselves, and compels them to pay tribute to the iron manufacturer and the cotton or woolen manufacturer, they will abandon their former pursuits and seek the more favored one, just as certainly as the night succeeds the day. The attempt to diversify labor by legislation is like an attempt to diversify the character of our garments by a statute. We will probably wear light goods when the heats of summer are upon us, and heavier and thicker ones when the frosts of winter are about us. We diversify our wearing apparel to meet the diversities of climate; we will just as naturally diversify our labor to meet the diversities of our wants, necessities, and tastes.

“Another favorite argument of the protectionists is that it is unjust to submit our industry to competition with what they call the pauper labor of Europe. This argument, if it may be called an argument, answers itself. The price of the manufactured article naturally depends in a great measure on the price of labor employed in its manufacture. The price of that labor depends necessarily upon the relation between the supply of such labor and the demand for it. If, by a protective tariff, the production of cotton goods is largely and unnaturally increased, the demand for that kind of labor will also be increased; the supply will meet that demand; industry will be deviated from other channels, and the very fact that a feverish and unnatural demand for that kind of labor is created, tends inevitably to the lessening of the wages of the operative. An artificial stimulus given to the manufacturing interests in this country brings to our shores what is called the pauper labor of



Europe. With that labor our own industry must be brought into competition, and there is no method more positively certain of bringing the prices of labor down to mere factory rates than by making the country one vast factory. The jingling phrase, 'American prices for American labor,' means nothing, unless it be a fact that American prices are better and larger than any other prices. If English prices for labor are higher than American prices, then I am in favor of English prices for American labor. The fact is that when we take into account the difference between our currency and gold, and the price of living between this country and the Old World, the prices paid to the skilled artizan in England, in France, and in Belgium, are greater than are paid in this country.

"Legislation cannot regulate prices any more than it can change the rotation of the seasons. A policy which looks to a rapid and artificial increase in the number of laborers in any branch of industry can have but one consequence, and that is a reduction in the rewards of each laborer. Unless all natural laws have ceased to operate, such must be the result. The old manufacturers of the Damascus blade needed no protection. The superior quality of the steel, and the superior skill of the artisans engaged in the manufacture, furnished all the protection that was needed. Demosthenes needed no protection against the competition of foreign orators; nor did Pericles or Phidias seek a discriminating tariff to aid them in their appeals to Athenian taste and culture against the competition of the foreign sculptor or painter. Socrates and Plato, for success with their countrymen, needed no tariff upon philosophy to give them precedence over all competitors, but the vigor of their understandings and the marvellous skill with which they gave expression to their ideas adequately protected them against any and all competition. Great skill and great genius protect themselves. They carry always with them a shield which renders them absolutely secure against all attacks, save those made by greater skill and greater genius; and before such attacks they ought to be subdued; they will be overcome, and all the legislative art and legerdemain on earth cannot long postpone such result.

"We are also assured that the country is new and young, and that we must have a protective tariff for the benefit of our infant manufacturers. When, I ask, will the country be old? When will our manufactures pass the adolescent period, and reach the quality of manhood? If to-day there were carved out of the British Isles another empire, the empire thus newly created, as a distinct national existence, would be new, but in every other sense it would be as old as the original empire from which it was taken. Nations are not new or old dating merely from the commencement of their national existence, but from the experience with which the history of the world has supplied them. This young republic of ours, almost the newest born among the nations, is vastly older than the old Assyrians, who flourished hundreds of years and then fell, thousands of years ago. It is older in the experiences of the world than the Egyptians, whose unriddled sphinxes lie half buried in the desert sands, and whose mighty pyramids, records of which are lost in the early morning of this world's history, in the midst of utter barrenness, rear their colossal forms against



the sky. All that past art, or science, or skill, or thought, or study, has taught, is ours. Reckoning the age of a people by its possessions, we are the oldest people in the world. There is no infancy in our national life. It is the bone and gristle of manhood. That our territorial extent is great, and as yet undeveloped, is true, but a protective tariff will neither lessen its territorial extent nor assist in the rescue from the native wildness of the prairie or the forest the portions which the industry of man has not yet touched. In the sense in which it is said that our country is new, it will remain so just as long as it has not the same amount of population to the square mile as England and France and Belgium. A protective tariff will not hasten that increase of population; nor would the immediate doubling of the laboring interests materially benefit those who are already here.

"But what about our infant manufacturers? If I were plundered of my possessions, it would be but a sorry consolation to be told that an infant had done it. Certainly I should not approve a policy which looked to the increase of the strength and plundering capacity of the infant. I should be apt to say, he may be an infant in years, but he is a giant in strength. Hercules, when he strangled the serpents and vanquished the Nemean lion, was an infant, but among serpents and lions an exceedingly dangerous and uncomfortable infant; and had it been left to the vote of the serpents and the lions, I doubt not there would have been a unanimous expression of opinion against their being compelled to contribute to the increase of his strength on the ground of his infancy. In all those essentials which ordinarily characterize infancy, have our manufacturing interests any of the marks of infancy about them? If their present pecuniary strength and power is infancy, God deliver us from their youth and their manhood! Abundantly able to go alone, I insist that they now shall go alone, and that neither the government shall of itself help them, nor compel me to help them.

"But the laborer himself is not assisted by a protective tariff. The proprietor derives all the benefits from it, and the profits all go to him. Not only that, but protection is the ultimate ruin of our manufactures. It stimulates an unnatural and artificial production; it withdraws capital and labor from pursuits in which they are naturally employed, and, under a delusive prospect of larger profits, inveigles them into the protected manufacture or pursuit. Thus an extortionate tariff upon iron will greatly stimulate its production until the market is glutted, and ruin follows. Cotton mills are even now closed. The tariff on wool led thousands into wool-growing who would not otherwise have engaged in it, and the wool-grower now knows that, so far from conferring any substantial benefits upon him, the protective tariff is a delusion and a snare.

"It ruins the inventive genius of the people, by rendering its exercise unnecessary. In the affairs of this world, skill must meet skill. Natural obstacles in the way of competition must be overcome by greater ingenuity in mechanical appliances. The manufacturer of pig iron can slumber and run his mills upon the old plans, and by the old methods of machinery. The bounties which the government compels the public to pay him render it unnecessary for him to do more than to suffer things to run as they are.

When necessity drove the inventive genius of the people in that direction, the sewing machine was one of its results, and with those machines we now supply the world. Our vast fields presented, for the reaping of our grains, the preparation of the soil, planting of the seeds, and the harvesting of the ripened crops, new problems; and, turned by necessity in those directions, the genius of the people brought forth the patent drill, the reaper, the thresher, the cultivator, and the harvester. Without a navy when the rebellion began, and with three thousand miles of sea coast to blockade, the necessities of the situation turned in that direction the inventive genius of the people, and one bright morning at Hampton Roads the sudden offspring of that ingenuity, the Monitor, revolutionized the naval architecture of the world, and rendered the old wooden walls as useless and as worthless as mere fabrics of pasteboard.

“Let us not distrust ourselves. The shoemakers of Lynn need no protection. The wonderful skill of their machinery places foreign competition out of the question. Open the door to competition. Let it be known that in any branch of industry there is a necessity that American ingenuity should exhibit itself, and it will certainly do so. In its presence, all natural difficulties and obstacles will be overcome, and it will assuredly triumph.

“Protection destroys our carrying trade, and thereby drives our vessels from the seas. I have already shown that, as a regular pursuit, ship-building in this country has substantially ceased. The tariffs upon the materials which enter into the construction of a ship are so enormous, and the cost is thereby so greatly enhanced, that competition with the foreign ship-builders is simply impossible. But the trouble does not cease here. Before the tariff, a large and profitable trade was carried on with South American ports, where our calico and sheetings, and other products of our labor, were exchanged for their wools. This trade gave employment to the ship-builder and ship owner, and to the sailor. It opened a market for our own products, and gave thereby employment to our own labor. Our own wares were sold at profitable prices. We were supplied with cheap and fine wools. Every one was benefited. But the protective tariff laid its hand upon wool, and all these interests perished as if they had been blighted with a mildew. On the shores of the Mediterranean, the Almighty has seen fit to confer warmer suns and more genial heats than shine upon the salt marshes of Syracuse or Saginaw. Congress has sought to correct this order of Providence, and to protect the Onondaga and the Saginaw salt, manufactured by mechanical heats and appliances, against that perfected by the cheaper agencies of solar heat. We bring in our vessels no more salt from the shores and the Islands of the Mediterranean. We get poorer salt, and at a higher price, than formerly; but be assured, Providence will win.

“Even though their culture be protected by an Act of Congress, oranges will not grow so luxuriantly in Vermont as in Portugal. The sun still shines as warm in Southern Europe, and as coldly in New York and Michigan, as before Congress undertook to decree that it should be otherwise; and the benefits and blessings of God’s sunshine we must have, come from whatever source they may.

"We have an enormous tariff on coal. As well might you attempt to impose a tax upon one of the elemental forces of nature as upon coal. It is the power which moves all our machinery, and the use of which enters directly or indirectly into every article of human wants, necessities, comforts, or luxuries. Yet we are obliged to pay tribute for the use of that power which drives our machinery, and which heats our houses. As well might you tax the sunshine. The tariff on iron not only enhances the price of every article into which it enters and which we are obliged to use, but it swallows up the hard labor of the farmer in the cost of transportation of his products to a market. The cost of railroad construction is thereby enhanced, and an advance in rates of transportation follows as a necessity. In its practical operations, our present tariff is simply a nuisance. Of about 4000 articles subject to the tariff, twenty furnish half the revenue, and the balance are purely mischievous.

"A gentleman of the name of Spaulding prepares glue and sells it for a good price under the name of 'Spaulding's Prepared Glue.' His is American industry, and hence is protected. Last year the government received by way of revenue from the tariff on glue the magnificent sum of seventeen dollars. Our hens are protected; and in 1868 the government received \$6.90 from duties on ostrich eggs; and yet I believe that, even thus protected the native hen will never succeed—so far at least as the size of the egg is concerned—in competition with the ostrich. Sauer Kraut is protected, and the protection yielded a revenue to the government of six dollars. Apple sauce is also protected, and in 1868 yielded a revenue to the government of three hundred dollars. We are also protected against Spanish flies and Brazilian bugs. Our native flies and bugs are in their infancy, and must be protected.

"Finally, what is a tariff? It is a tax. It is nothing less than, and nothing but, a tax. It is a tax which we do not pay to the government but to the manufacturer for his private enrichment; for where protection begins revenue ceases. The consumer is impoverished, the government is not aided. Shall this system be continued? The question we must answer. We may dodge it and evade it for a time; but the millions of men who protected the nation in the hour of its sore peril and with their lives demand that this question be answered. I am, for myself, prepared to answer it. My answer is: Our soil is free, our men are free, our thought is free, our speech is free, our trade shall be free."

## CHAPTER XV.

### THE CAMPAIGN OF 1872.

THE "LIBERAL REPUBLICANS" AND THE CINCINNATI CONVENTION—STATE CONVENTION OF ILLINOIS—MR. STORRS, AT SPRINGFIELD, REVIEWS THE SITUATION—CIVIL SERVICE REFORM—REVENUE REFORM—THE TARIFF—THE NATIONAL DEBT—RESUMPTION OF SPECIE PAYMENTS—THE PHILADELPHIA CONVENTION—SPEECH AT OTTAWA, ILLINOIS—THE CRADLE OF THE REPUBLICAN PARTY—GRANT'S RECORD—TRENCHANT REVIEW OF THE RECORD OF HORACE GREELEY—THE ONE TERM PRINCIPLE—SPEECH AT FREEPORT, ILLINOIS—COMPARISON OF THE "LIBERAL" AND REPUBLICAN PLATFORMS—GREELEY AND LINCOLN—SPEECH AS DIXON, ILLINOIS—THE CONGREGATION DISMISS THE CHOIR—GREELEY'S FAMOUS PLAN FOR THE RESUMPTION OF SPECIE PAYMENTS—THE KU-KLUX AND ENFORCEMENT BILLS—SPEECH AT INDIANAPOLIS—SCRIPTURE ILLUSTRATIONS—THE CONVERSION OF SAUL—PARABLE OF THE UNJUST STEWARD—SPEECHES AT READING, PA., AND OTHER EASTERN CITIES.

"WHOEVER," says Senator Howe, in his article in the *North American Review* for June 1878, "shall look back out of the next generation and shall count up the number of renegade Republicans who congregated at Cincinnati in 1872 as candidates for President,—all shouting for reform; all vociferating against Republican rascality; each led by a little faction of sorchheads, desperate and reckless, ready to stake their last political hope on the success of their favorite; not one thinking to be elected by the party represented at Cincinnati, but each expecting to be backed by the party which subsequently assembled at Baltimore,—will not fail to estimate that stupendous sham at its true value."

One meritorious quality the bitterest enemies of Mr. Storrs never could deny him, nor refuse to acknowledge to its full

extent,—he always had, in political and in professional life, “the courage of his opinions.” He always said the thing he meant, and took care that there should be no doubt as to where he stood, whether before a political audience or a judicial forum. From his earliest years, he had been a believer in the political doctrines which took ultimate shape in the organization of the Republican party; and from that creed he never swerved to the latest day of his life. Long before the word “Stalwart” was imported into political discussion, he was one; the very incarnation of political consistency, and the opponent of any course looking to mere temporary expediency. His watchword was “Principle.” Concessions to the disorderly element at the South, known as the “Ku-Klux,” were abhorrent to him. Thoroughly learned in the history of English constitutional law, he knew that peace and order could only be preserved in the Southern States by means of the reconstruction measures of General Grant’s administration; and that any truckling to the ruffians who drove negroes from the polls, and shot down white men suspected of sympathy with the negro in respect to his civil rights, was mere cowardice, and sure to end in defeating the action of Congress on behalf of that oppressed race. When, therefore, a number of disaffected Republicans, headed by Carl Schurz and others, organized an opposition to General Grant’s re-election because of his Southern policy, and on other grounds, Mr. Storrs came to the front, and although the disastrous fire of 1871 had inflicted damage on him compared with which the larger losses of merchants were to them but small, he laid aside all thought of professional emolument, and threw himself heart and soul into the cause for the success of which all patriotic citizens of the United States then were hoping with bated breath.

The disaffected Republicans were joined by some who had left the ranks when Andrew Johnson was impeached, who had since then affiliated with the Democrats, and who now hoped to return to place and power by the help of the Democrats, with whom they expected to form a coalition. They held a convention at Cincinnati on the first day of May, 1872, and nominated for President, Horace Greeley, editor of the *New York Tribune*; and for Vice President, B. Gratz Brown, editor of a paper published



in a country town in the State of Missouri. The loyal Republicans were in favor of honoring General Grant with a second term.

The Republican Convention of the State of Illinois met at Springfield towards the end of May. "Never in the history of the Republican party," says the report of a Chicago paper "has there been such a spontaneous assembling of the people at a State convention. The Cincinnati movement has only had the effect to spur up the Republicans of the State to a sense of their duty to party and principle, and the people are here by thousands to show their fidelity to the party of liberty, civilization, and progress." A mass meeting was held in the hall of the House of Representatives the night before the opening of the Convention, and Mr. Storrs, who was there as a delegate, struck the key note of the campaign in a vigorous address. The first sentences that he uttered evoked an enthusiasm which was sustained to the end. He began by saying:

"It is quite evident from what I see before me here to-night, that the Republicans of the State of Illinois have but little thought of abandoning their party colors, or of deserting that glorious political organization which for fifteen years of our past history has represented the purest patriotism, the best thought and the highest impulses of the country. Coming together from every portion of the State to take counsel with each other, we have found, I have been delighted to note, that in our ranks there is no faltering, and that no appeals to merely personal prejudices, no platforms which have their foundation on mere personal grievances, can swerve the old party of the Union a hair's breadth from its course.

"A year ago the Democratic party, tired and heart-sick at over ten years of continuous defeats, took what they called "a new departure." How dismal a failure they made of it I will not distress them nor weary you by repeating. We have had for several years in our own party many very excellent gentlemen who, wearied with success, and finding that the Democratic "new departure" was a failure, have undertaken to get up one of their own, and ask the Republican party to join with them. The experiment which the Democracy tried was an entirely safe one, for however it might result, it was impossible that their condition should be any worse than it was. They could lose nothing by failure, and therefore it was entirely safe to try. But we are very differently situated. It is very doubtful whether our condition could be improved by the success of such an experiment, while it is entirely certain that it would be seriously damaged by a failure. As a matter of common prudence, I object to any Republican new departure. We started right at the outset. We have been going right ever since. We have reached the haven of success and victory at the end of each trip. A new departure would probably land us in

another port, and whoever leaves our craft, to adopt the Democratic style of navigation, will wind up by becoming one of them, for new departure will land him where theirs landed them, on the bleak and desolate shores of political defeat and disappointment.

"I fail to see any good reason why I should leave the Republican party. I fail to see why the party itself should be dissolved. If for nothing more than what it has done, we should be loth to desert it, and least of all should we leave it until we can find some organization which will suit us better."

He then appealed to the past record of the Republican party, and contended that the interests of the country would be safest in their hands.

"While I do not believe that a political party can always safely trust itself to its past achievements, yet it is true nevertheless that we may fairly assume what course it will pursue in the future from what its course and policy have been in the past. It is precisely in this way that we have, for years gone, judged the Democratic party, and however splendid their promises may have been, we have because their history has been against them, utterly lacked faith either in their ability or willingness to perform them.

"From the earliest period in its history down to the present day, the Republican party has been the only party of genuine progress and reform which the country has known. It has also made this character by fidelity to its promises.

"It agreed at the outset to protect our territories from the encroachments of slavery. It performed its agreement, and rescuing them from the grasp of the slave power, dedicated them to free labor forever.

"It agreed to preserve the Union itself and, how nobly that promise was kept the world now knows by heart.

"It promised, as the result of its victories against rebellion, freedom to the slave—and in performance of that promise, it at one blow struck the shackles from four millions of slaves, and lifted them from the degradation of human chattel hood into the dignity of American citizenship.

"It agreed to protect the negro in all the rights of a free man, and in performance of that promise made him a citizen and a voter.

"It agreed in 1868 to preserve the national credit, and to-day hundreds of millions of our debt have been paid in the faithful performance of that promise.

"It agreed to remove, as rapidly as the public safety would permit, all disabilities which were imposed upon the people of the seceding States, and gradually they have been removed, and before this administration shall have closed they will have ceased to exist altogether.

"It has done all that it has agreed to do, and all that the people required that it should do.

"For the first time in the history of this country a political party has crystalized all its political ideas into laws. Its platforms are now on the statue-book, or imbedded in the Constitution. The Republican platform of to-day becomes the law of the land to-morrow. It deals in no abstractions,

but its theories one hour are parts in our history the next. And because it has thus rapidly reduced its theory to practice, because it has performed all that it has promised, because its engagements are all fulfilled, we are assured that its work is done, its mission ended.

"But complaint is made that it has no new policy to propose; that the country requires, now that the war has ended, a line of policy looking solely to the conditions of peace, and that the Republican party has failed to furnish it. On this basis a new party has been organized, called the Liberal Republicans. Why they are thus called, I shall presently undertake to show: We are all invited to abandon the old organization, to throw General Grant overboard; but before accepting such invitation, I desire to know what new line of policy this new party proposes; what measures it favors which are not already adopted by the Republican party."

He proceeded to review the issues upon which the Cincinnati party based their platform. In his last message, President Grant had recommended the removal of the disabilities imposed by the fourteenth amendment, and Congress had taken action on the subject, so that "general amnesty" was likely soon to be made a dead issue.

On the question of civil service reform, about which a great clamor was made at Cincinnati, Mr. Storrs again referred to the message of President Grant, advising a reform of the civil service, and announcing that he had appointed a commission to devise rules and regulations for the purpose. "Their labors," said General Grant, "are not yet complete; but it is believed that they will succeed in devising a plan that can be adopted, to the great relief of the Executive, the heads of departments, and members of Congress, and which will redound to the true interest of the public service. At all events the experiment shall have a fair trial."

"He appointed on that commission Joseph Medill, one of the editors of the Chicago *Tribune*, when the Chicago *Tribune* was a Republican paper—a true and able man; Geo. W. Curtis, one of the most cultivated and trustworthy men in the country; ex-Senator Cattell, of New Jersey, and a Southern gentleman of equal prominence. His desire to give this civil service reform a fair trial was demonstrated by the character of the men whom he appointed, each and every one of whom was known to be in favor of the experiment. Rules were established by those Commissioners. The President has acted in hearty accord with them, and Congress has appropriated \$25,000—all that was asked by the Commissioners—for the purpose of carrying their schemes into operation."

What more did the new party want?

"Is it Revenue Reform? They have just nominated for President the

most bigoted, insane and absurd protectionist in the country, and have openly and conspicuously abandoned that question as an issue in national politics by remitting it to the people of the Congressional districts. Is it a reduction of the tariff which they desire? We need organize no new party on that basis, for Congress is now reducing the tariff at least fifty millions of dollars. Is it the payment of the national debt? The Republican party is paying it at the rate of one hundred millions of dollars per year. Do they wish it paid more rapidly? They dare not say so. Is it the resumption of specie payments? We are all in favor of that, and only differ in the manner in which specie payments shall be resumed. Greeley says, 'the way to resume is to resume.' Is that the policy of the Liberal party. They have no plan. They dare not name one. Are they for the continuance of the national banks or against them? They have not answered; they dare not answer. Is it for the further reduction of the army and navy? They have not said. Our army is not now a decent police force. Our navy is notoriously inadequate to the wants of the government. Do they propose to reduce them still further? They dare not say so, and the people demand an increase rather than a diminuation of our naval strength. Is the new party founded upon the ground of opposition to land grants to railroad companies? On this question they occupy the same ground that we do, and Greeley has always been the advocate of these grants. Is it for the reduction of taxes? The Republican party is fast reducing them by seventy-five million dollars, having previously immensely reduced them. Is it for settling our foreign quarrels by peaceful arbitration? That is precisely what, for the first time in the history of our politics, we are doing. The Alabama claims we propose to settle by arbitration. We shall thus settle them. Before the election has arrived they will be a 'dead issue.'"

The proceedings of the Cincinnati Convention were subjected to a scathing criticism.

"The shame of that convention was in this; they were harmonious on questions of principle on which their differences were irreconcilable, and they were irreconcilable on mere questions of personal preferment which involved no principles whatever.

"They were agreed where agreement was shameful. They differed where differences were contemptible. Thus, Greeley and Horace White agreed on the tariff—where it was impossible that they should honestly agree. They differed as to candidates, where, if their party has been organized on principle, a disagreement would have been equally shameful. They surrendered principles to which they should have unfalteringly adhered, irrespective of men or personal prejudices. They clung to personal prejudices, which they should have at once surrendered if their party had been one of principle. Their harmony was disgraceful, because it was the price of the surrender of principle. Their differences were contemptible, because they were quarrels merely about *men*. It is the first instance in the history of our politics, where a *new party* signalizes its entry into public life by the open and undisguised sale and abandonment of the idea which called it into being.

"But this convention met. It fairly organized on Sunday. If it had car-



ried no other baggage than its *principles* it would have been the most harmonious convention that the world has ever seen. For on that first day of conference, protectionists avowed their willingness to go for free trade and, revenue reformers avowed their willingness to go for protection—all in the interests of *reform*. When Horace Greeley and David A. Wells met harmoniously on the question of the tariff, we might well expect that the lion and the lamb were prepared to lie down together.

“Republicans who had not voted our ticket since 1864, Republicans like Swett and Norton, who had ‘swung around the circle’ with Johnson, and who had voted the Democratic ticket ever since, were there to ‘reform’ the Republican party.

“At the outset the foundation stone of the party was rudely torn away. The doctrine of revenue reform was incontinently abandoned. General platitudes as to civil service reform were substituted in place of any well defined plan. Adams and Trumbull and Davis went to pieces, and under the influence of the most wicked, corrupt and unscrupulous combination known in our politics, every idea of reform upon which this new party was organized was shamelessly abandoned, and at the bidding of Frank Blair and the vilest carpet-baggers of the South, united with the dirty adherents of the Tammany Ring of New York City—Hank Smith and Waldo Hutchins, of New York—the weak tool of them all, Horace Greeley, was nominated for President. The spirit of that convention was against protection. Yet Horace Greeley is the incarnation of all the errors that there are in that system, and he is their candidate.

“The convention declared against the course of Congress in its legislation against the South. Yet Horace Greeley always has been, and is to-day, the steady advocate of Ku-Klux legislation. The platform and their candidate are irreconcilable. One nullifies the other, and this convention, while seeking to organize a new party, barter its principles at the outset, claims the support of Republicans for the only man in their party who has ever openly advocated the right of secession, and slanders the memory of one dear to the heart of every true Republican, Abraham Lincoln.

“This convention met for the purpose of inaugurating a reform in the revenue. The idea of its promoters was that a tariff for protection, was a fraud upon the interests of the people. I give them credit for desiring precisely what they said they desired. I do not charge. It is not necessary that I should claim that at the outset they were actuated by merely personal motives. I take their own professions, and I find what the truth of history bears me out in saying, that a more shameless abandonment of principle than was exhibited at the Cincinnati Convention was never seen in the political history of this country. They have abandoned the fundamental idea upon which their political structure was rested. Seeking to disrupt the Republican party on the tariff question, they have quietly and contentedly left the question where the Republican party has always been willing to submit it, to the will of the majority in each Congressional district.

“But the result of that convention demonstrates better than any words that I can possibly employ, that the convention itself was a fraud, that it



was based upon no *principle*, that it was not a union of men *thinking* alike upon political questions, but a *coalition* of men who had nothing in common except personal grievances and disappointments.

"Many men of our own party lent the strength of their names to the call for that convention, on the supposition that a reform of the revenue was honestly intended. In this State, hundreds of men thought that a protective tariff was unjust, and therefore joined the so-called reformers. These were men of principle. Toward them I have no words of fault-finding to apply. But when in pursuit of principle they find their doctrine shamelessly bartered away, and political tricksters, demagogues and dead-beats like Frank Blair and Gratz Brown trading on their convictions, and nominating as a candidate for the Presidency the man who of all others belies their opinions upon this question, it is time for them to inquire whether it is not safer to come back to the old party, which never professes what it does not believe, which always performs what it promises, and which plays no tricks upon its followers.

"The Cincinnati Convention claims to be in favor of civil service reform. But how it will reform the civil service it does not vouchsafe to tell us. Will it elect postmasters by the people? This is Senator Trumbull's doctrine. But a more Quixotic and absurd scheme was never broached in our politics. To what extent will they apply the doctrine of competitive examination? The sages of the party do not care to tell us, and the Chicago *Tribune* openly avows that, in the event of the election of Greeley, all those who differ with him in political opinion will at once be removed from office. Their platform is clamorous—eloquent over the sufferings of the South. But what remedy do they propose to apply? The fifteenth constitutional amendment confers the right of suffrage upon the liberated slave. Do they seek to remove that? No political disabilities, so far as voting is concerned, are visited upon the rebellious whites. Do they seek to change that condition of things? The present Congress will remove all disabilities, so far as the holding of office is concerned. They cannot hasten that; and, once done, that is a dead issue. Do they object to what is called the Ku-Klux legislation? I need not pause to argue its justice or its injustice; their candidate for President has favored it from the beginning; and no one has complained that the extraordinary powers with which Congress has clothed him have been exercised by General Grant otherwise than wisely and well.

"Bitterly opposed to a protective tariff, the Liberal Republicans, so self-styled, have selected as their standard-bearer and their leader the most prominent and conspicuous opponent of their doctrine in the whole country. Opposed, or professing to be, with equal bitterness to the legislation of Congress with regard to the Ku-Klux, they have nominated the principal leader of the movement in favor of that legislation.

"Despite his two thousand followers from the State of Illinois, Davis had no show in the convention. Trumbull faded out of sight after the third ballot. Adams, with all his respectability, went to pieces before the persuasive arguments of 'Hank Smith,' and through the most barefaced and shameless trick ever seen in a political convention—a trick so dirty that it would have

utterly ruined any nominee of any party accountable to anybody—the Reformers bound their necks to Tammany. Tweed triumphed and Greeley was nominated for President of the United States.

"It was impossible to tell who was the most disappointed at this result. Such a unanimity of mourning was never before seen. Davis and Trumbull and Adams and their adherents had quarreled for a week, but when the convention closed 'a fellow feeling made them wondrous kind.' In a common brotherhood of woe they forgot their warfare in their common griefs. Never before was lightning so impartial. No one was skipped. Swett and White and Schurz and Adams were all hit at the same time and about in the same place, and the bolt was destructive to them all. Whatever differences there might have been in life, death, the great leveler, made them all equal, and they have made a happy community of political defuncts ever since, and thus the Reform movement which promised so much, and vaunted itself so loudly, went to pieces. An attempt to organize a great national party on the basis of mutual antipathies and hatreds, on a platform of common grievances and disappointments, met, as it deserved to meet, a disgraceful and wretched failure. Their professions of principle, as the result showed, were a sham. They were agreed in nothing except hatred and jealousy of the administration, which found its expression in the miserable phrase, 'any body to beat Grant;' and as old as this common platform was, it might have met with some show of success had they not hated each other worse than either hated the President."

The concluding part of the speech was devoted to a review of Horace Greeley's unpatriotic course during the war, and an appeal to those good Republicans who had been seduced away by delusive promises about revenue reform to return to the ranks. As Mr. Storrs in subsequent speeches put this part of his argument in terser form, it is here omitted.

"The Republican mansion," he closed by saying, "is spacious enough to accommodate every Democrat who would like to join it. Thousands and tens of thousands of them are with us now and have been for years. We expect that thousands and tens of thousands more will take shelter under our roof. The building is strong enough and big enough to accommodate them all. The rains no longer beat into it; the winds no longer whistle through it; the storm no longer rocks it, for we have removed from it the decaying timbers of human chattelhood, and replaced them with the everlasting granite of universal freedom."

The first campaign speech that Mr. Storrs made after the National Convention was delivered at Ottawa, Illinois, in the last week of June. He spoke from the bench of the Circuit Court, and humorously alluded to his occupying there for the first time something like a judicial position. He said:

"I have always spoken here as an advocate. I have addressed the great constituency of big-hearted, broad-browed Republicans of La Salle county as an advocate ; as the advocate of a great party, which it is pretty well demonstrated is as strong to-day as it has ever been ; a party whose fires are burning as brightly, whose spirit is just as high, and whose purpose is just as resolute, as when in 1854 it first grappled with the aggressions of the slave power, and when, in 1860, it triumphed upon the election of Abraham Lincoln to the Presidency.

"I see nothing in the contest now impending which is particularly new. It seems to me that although some of the details may be changed, yet at the same time we are waging the same fight, and against the same old enemy. [Cheers.] I have been pleased to meet with so many of the Republicans of La Salle county, as I have seen to-day in their county convention assembled. I come here, telling you, as far as the spirit of the party is concerned, precisely what you already know ; that whoever concludes in his own mind that the mission of the Republican party is ended, that its work is done, or that its labor is in any degree finished, is entirely and altogether in a mistake. It has a future before it, I think, just as proud and noble as the past of its career and history. It is a party which, if there was nothing more to be said about it than what it has done in the interests of good government and of this people, I should feel very loth to desert ; and least of all can I come to the conclusion that it is worth while for me to abandon the Republican party because I find here and there a few men,—men with grievances, men 'with a mission,' men who call themselves self-appointed leaders of this great movement,—least of all, I say, can I find it in my heart to abandon this great political organization, the grandest, in my judgment, that the history of this world has ever recorded.

"Mr. Sumner, in a recent speech which he made in the Senate of the United States, declares substantially that he was the father of this great party, that the credit of its paternity belongs to him, and that its cradle was in the city of Boston. I have this to say with regard to our party that is peculiar to it, in the fullest sense of that term, the Republican party never had a leader ; it has not got a leader to-day ; it will never have a leader. The Republican party was made up from the start of independent men, thinking each man for himself and on his individual hook ; and the rank and file of the party never followed one single step after the leadership of any man, where that man, essaying to be its leader, did not go in the direction which the Republican party desired to go. It has never had a series of platforms written for it and dictated to it by a convention ; the platforms of the Republican party have always been written in the hearts of the rank and file long before they had been inscribed upon the records of the convention. The rank and file have given law to conventions, and they have never received the law from conventions. Republicans can go to sleep at night perfectly well assured of what their principles will be the next night, although a convention should in the meantime assemble. But how has it been,—how is it to-day—with the Democratic party of the country ? The Democrat goes to bed to-night in favor of revenue reform ; and he retires

to bed to-morrow night in favor of a high protective tariff. [Laughter.] He does it because he has found in the meantime a Convention has assembled, which tell him what he must believe, and what he must not believe. Mr. Sumner talks about the leaders of this great party. I say this to Mr. Sumner upon that point, that if he has any doubt about it, I would like to have him and any other ambitious man look up and down that great track of light which the pathway of the Republican party makes all across this continent, and he will see all along the line of its march that its course is strewn with the carcasses of its self-appointed leaders. We have thrown them overboard, one after another, and one after another, regretting, perhaps, the necessity of our doing so, but at the same time, that fact, that we have disposed of a leader, never has for a single instant impeded the progress of that great political organization. I recollect, in 1866, when I had the honor of addressing the Republicans of La Salle county in this place, that we had thrown overboard a whole cargo of leaders, a President and Cabinet; and it operated upon the party like a tonic, and we were stronger and clearer-headed for the exercise. I tell Mr. Sumner,—and as speaking for the rank and file we may all tell him, and all others similarly disposed,—that the will of that great party is infinitely stronger than all the influence that all its leaders ever exercised. It is a vain thing, and a weak and idle thing for them to attempt to resist it. Mr. Sumner claims its paternity. It was an old doctrine of the heathen that the father should have the right under the law to kill his children; perhaps it is on this basis that Mr. Sumner claims the fathership of the Republican party. My fellow citizens, no man was the father of the Republican party. No set of men were the fathers of the Republican party. The Republican party, like Topsy, ‘bore itself.’ It was the result of circumstances. All the leaders in the country could not have hurried its birth one single instant. All the politicians on the top of God’s green earth could not have retarded it one single moment. Slavery had made aggressions on our territory; the Democratic party were in favor of it, and the old Whigs did not oppose it; therefore the people, finding in the existing parties no expression of their sentiments, organized a party for themselves. You might as well say that when the earth has been parched and dry for weeks, and we see great black clouds moving up in the west, coming speedier and speedier towards the zenith, suppose that Mr. Charles Sumner should stand off, just as the cloud reaches us, and say, ‘I order it to rain;’ and afterwards it does rain; and ten years after, when we are felicitating ourselves on the refreshing effects of that shower, Charles Sumner says, ‘I was the author of that rain; I was the father of that shower! I told you, didn’t I say, Let it rain, and didn’t it rain?’ ‘Oh,’ we say back to Mr. Sumner, ‘the cloud was rising, and your little hand could not stop it; it was charged with moisture; the earth was dry; and God Almighty, that made great natural laws, made it rain, and you are altogether an insignificant trifle in his hands.’ Mr. Sumner bring on that tremendous storm that in 1854 swept over this whole country like a whirlwind! Why, he would have been borne on the wings of that wind as easily as ever a feather was floated on the breeze. If he or anybody else had undertaken



to stop it, they had better have been in a boat of stone, with sails of lead, and oars of iron, the wrath of God for a gale, and hell the nearest port!\*

"He the father of the Republican party! He has given his dates, and says the 19th of September, 1854; he christened it, at Boston. He quotes his words, where he used the word 'Republican' as applying to this great organization, and claims that that was the first instance where it was used.

"If any place was the cradle of the Republican party, that place was Ottawa, Illinois. If any man was the father of the Republican party, that man was E. S. Leland, for, sixty days before Charles Sumner made his speech in Boston, Judge E. S. Leland made a speech from these very steps, and introduced a series of resolutions in which he proclaimed the will of the people of Illinois, and named that great organization the Republican party of America. If the honor is anywhere, that is where it belongs. [Loud applause.] If we are to have history of this business, let history tell the truth. I do not know whether Judge Leland was ahead of everybody else or not. He was two months ahead of Charles Sumner; and in the meantime the party had grown so strong and so powerful that the uses and purposes of Charles Sumner, even as wet nurse, might with entire safety have been dispensed with."

He then answered the "liberal" objections to the administration of affairs by the Republican party, as he had done in his Springfield speech, and proceeded to dispose of Mr. Sumner's objections to General Grant.

"What is it they want? What is it the Republican party of this country will not give that the people demand, and that this 'Liberal party' will give? Is it revenue reform? They swapped that off the first day of their convention. [Laughter.] Meeting there in Cincinnati, the first day of May, never before was such a convention seen. Men of honest purpose, high integrity and strong zeal in the public interest, I admit were there. But if there was one single principle upon which that Liberal Republican party

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\*In 1880, when Mr. Storrs was stumping New York State for Garfield and Arthur, he again made use of this metaphor, as he was in the habit of using over again an image or an illustration that had once impressed his mind as being particularly happy or appropriate. A New York reporter remembered hearing the Rev. Dr. Talmage use the same metaphor in a sermon preached by him in 1878 at his Tabernacle, and, exulting in his half knowledge, charged Mr. Storrs with plagiarism from Talmage. A spirited newspaper controversy ensued. One correspondent of a Chicago paper asseverated that in conversation with a veteran Chicago journalist, the latter quoted to him this very sentence, and said he remembered hearing Mr. Storrs utter it during the campaign of 1868. At all events, here it is, clearly enough, in his speech as far back as 1872. The point is of trifling importance, but much was made of it in the New York papers at the time. If there was any plagiarism, it was not Storrs that borrowed from Talmage, but Talmage that appropriated from Storrs. Nobody who ever heard Mr. Storrs speak would dream of accusing him seriously of want of originality. While the controversy was waging, Mr. Storrs quietly laughed over it, and only said,—“A man may surely plagiarize from himself.”



was founded, it was that of revenue reform. Men went there with an assorted lot of protection theories, and other men went there with an assorted lot of free trade theories, and how they swapped and dickered and exchanged them the world knows, and their platform exhibits. They agreed where their differences of opinion were irreconcilable; they disagreed about men where they ought not to have disagreed at all, and they agreed on principles where they thought it was disgraceful to be harmonious; and thus that Convention, swapping off its foundation plank at the outset, closed in the most inscrutably curious way, and nominated Horace Greeley for President of the United States. . . . And then the great leader of the movement, we are told by Mr. Samuel Bowles, Mr. Carl Schurz, 'overcome,' he said, 'and discouraged,' retired to the house of Judge Stallo, and there, as Mr. Bowles says, overwhelmed with grief, disheartened and bowed down in spirit, no one able to speak to him because the weight of his mighty grief was altogether too great, turned to the piano, put his master fingers on the keys of the instrument, and poured out his feelings in one of Auber's melancholy pieces of music; and the eyes of the whole company were bathed in tears. Was ever anything so pathetic? 'Rock me to sleep, mother!' [Laughter and cheers.]

"Great objections are made to General Grant, but I prefer going to the people,—to the rank and file, and judging General Grant precisely according to his results, and what he has achieved. Men come to me with pallid faces and with trembling nerves and say, 'Great God, this country is all going to pieces!' Says I, 'What's the matter?' 'Why, Grant has been four weeks at Long Branch!' Perhaps he has; I am disposed to be candid; he has been there; but, my fellow-citizens, let us treat Grant as we treat everybody else, not better, and no worse. Give him credit for what he has done, and charge him for his defaults. Keep the books as you please, either in double or single entry, and how will it figure up? Charge him with four weeks at Long Branch, but give him credit for four weeks at Vicksburg. Charge him with three days behind a trotting horse at Central Park, but give him credit for a week at Chattanooga. Charge him with a week at Chicago, but give credit for a week at Fort Donelson. Charge him with a trip into Pennsylvania, but give him credit for Appomattox. Go and charge it all up; there is enough of patriotic achievement still left to the credit of General Grant to stop the mouths of all the liberal parties that the sun will ever shine upon. [Loud applause.]

"Mr. Sumner, in his essay in the Senate, says that a military man never has made a successful civilian. He cites history to prove it; and if Charles is great in anything, he is great in his history. He cites the cases of Frederick the Great, the Duke of Marlborough, and the Duke of Wellington. His proposition is that a great military chieftan must of necessity and for that reason be a failure in civil life; and he cites these three cases. In the first place, suppose I admit his instances are in point, his logic is bad. The instances are not sufficiently numerous; you cannot prove a general rule by three instances. I put against him William the Silent, Oliver Cromwell, and George Washington; and Charles Sumner's illustrations are all gone to pieces.

My illustrations are as many as his, and prove just as much as his do. But they are not in point. Frederick the Great was the greatest civil leader the Prussian nation ever had; it is to him their system of education is due. What was the matter with the Duke of Marlborough? A great military chieftain, it is true; a wonderful success in that capacity, and a failure as a civilian; Why? Did he fail as a civilian because he was a great military man? no; he failed as a civilian because he could not stop in one party thirty days at a time; because he was more like a 'Liberal Republican' than any man that lived in the British Empire; because in the morning he attended a convention to keep in the reigning dynasty, and the same evening he attended another convention to bring over the pretender. Marlborough was great as a military man because he was like Grant; he was a fizzle and a dead failure as a civilian because he was like Schurz; he was a failure as a civilian because nobody could trust him and nobody would trust him. The proposition amounts to this, that a great military man and a brave man is a poor President, and therefore the converse of the proposition must be true—that a poor General and a coward must be a good President. Therefore I suppose they have nominated Horace Greeley. If that is so, he fills the whole bill, and has all the accomplishments. [Laughter and cheers.]

"It is insisted that Grant can't make a speech. I think he can; for I think the speeches that are going to be remembered in the history of this world are not the mere words which we utter in halls like this, not the mere essays which we write, but after all they are the deeds which men do. The world, three thousand years ago, had forgotten all that the old Egyptian had ever written about architecture, and all that the old Egyptian had ever said; but there, on those desert plains of Egypt, stand those mighty pyramids, witnesses for all time to come of what the old Egyptians accomplished. We have all forgotten what John Brown said; who remembers what John Brown wrote? Who will ever forget what John Brown did? And while John Brown's body lies mouldering in the ground, ain't his soul a-marching on? You may take, if you please, or let Mr. Sumner and Mr. Schurz select for themselves, the greatest speeches that either of them has ever made, write them in letters of living flame right against the whole sky, and put by the side of them the single word 'Appomattox' and behold, how in that magnificent presence the flames of Charles Sumner's speech will pale their ineffectual fires. The world will never forget what U. S. Grant has done; the world will soon cease to remember what Charles Sumner has said. I would detract nothing from the merits of that accomplished statesman; I concede his magnificent endowments; I concede his wonderful acquirements; but this great party of ours, which has, as I believe, the custody of the interests of good government for all the years to come in its hands, is infinitely better, and holier, and greater, and more valuable than any man; and much as I revere the name of Charles Sumner, I would see him sink out of sight into utter forgetfulness, into the deepest oblivion, rather than I would see one single star on the banner of this great party pale its fires. For, think what it has done. In twelve short years of time

it has eclipsed a thousand years of the most magnificent history that this world has ever seen. It has taken four millions of chattels, and lifted them from the night and barbarisms of slavery into the clear, pure atmosphere, of American citizenship. It has taken a chattel and made him a Senator. It has taken personal property, and made it members of Congress. It is the great, progressive party of mankind. I cannot sometimes but sympathize with that conservative spirit that looks lovingly and affectionately back upon the past; but while I sympathize with it I cannot go with it. I know the picture that it has presented of the good old times when the slaveholder ruled is a pretty one; the slaveholder sitting like a patriarch, as they used to tell us, with his broad-brim out on his piazza, and his little chattels, male and female, dancing on the green before him. It is a pretty picture; but this is the one which the Republican party draws—no longer chattels, male or female; nothing, thank God, on this continent but free men and free women; by the mighty exertions of this great party, the architects of their own fortunes. [Cheers.] You see no longer the negro child, boy and girl, dancing upon the green; you see them in the school-house, at the workshop, at the bench, on the farm, each, thank God, his own master, each carving out his own fortune for the future. There may be less poetry in it, but how much more magnificent it is in the story it tells for our common humanity! How much more magnificent it is in the exalted and lofty patriotism which it typifies!

“Grant cannot speak; he is no orator, as Brutus was; and he has appointed his relatives to office. I suppose it was necessary for him to appoint somebody’s relatives. I do not care who he makes Collector of Customs, nor who he appoints assessor; it is somebody’s relative; and by and by, when the history of this great captain comes to be written, let us think what history will say. I suppose that history will tell us nothing about how he started from Galena to fight at Fort Donelson, about how he took these great western armies swinging round from Cairo to the sea; and now that great, silent soldier saved the nation the priceless treasure of free government for all ages to come. Perhaps the historian will say nothing about that. He will omit Appomattox, he will omit Spottsylvania; he will omit the bloody record of the days in the wilderness in what he has to say; but he will tell you how this man found his old father a postmaster when he was elected, and kept him there; he will tell he was at Long Branch four weeks; he will tell you somebody complained that he received a gift. Stop and think how mean, how trivial how utterly and altogether unworthy in the record which history shall make up, when the mists of passion and prejudice shall have cleared away, will all these things seem to be! They are just as small, and just as trivial, and just as mean, and just as ungrateful, and just as dirty to-day my fellow citizens, as they will be a hundred years hence; but in the light of history, how small, will be more clearly apparent, perhaps, than to-day. But when the record of his name comes to be written, when the great journey of that silent soldier is completed, he will march down the aisles of time hand in hand with our great martyred President, Abraham Lincoln; and, standing on the highest summit of earthly

eminence and heroic achievement, the whole world will hail and salute him." [Cheers.]

Mr. Greeley's record was reviewed as follows:

"Opposed to him is Horace Greeley. Now, we all know Horace Greeley. We all know what he has been in politics, and we all know what he is in politics to-day. I have no terms of opprobrium to apply to him; no denouncing epithets to use against him. I appeal, hurriedly and briefly, to his record, and let his record speak; and his record is all the more damaging, and his unfitness for the great place for which he is nominated all the more conspicuous, when I concede, as for the purpose of the argument I will do, that he is honest.

"In 1858, he signalized himself in this State by interfering in our Senatorial election; and attempting to dictate to the Republicans of the State of Illinois that they should throw Abraham Lincoln overboard and return Stephen A. Douglas to the United States Senate. In 1860, he made his advent in Chicago as a delegation to the National Convention from the State of Oregon. He came there, not for the purpose of fulfilling any great mission, but he came there to gratify a spite which he entertained against William H. Seward, for whom his whole State was unanimous, and voted 48½ times for Edward Bates as President of the United States. We all know how, through those days which preceded the war, how vigorously, bravely, and courageously he talked, how he denounced the accursed slave-power; how he urged all young men to war to the knife against it if need be; but when the final hour of need came, when, having urged it on the stump, in Congress, and at the polls, then, when the supreme moment of trial came, and the question was submitted to the last court to which these questions are ever taken—the arbitrament of war, when our ranks were being filled up, and we looked around for the great leader whose clarion voice had for ten years shouted us on, where did we find him? Was Horace Greeley there? we saw him with tail down and ears pinned back, cutting for the brush, [laughter]—and the first thing that Horace Greeley recommended when the hour of trouble finally reached us was that 'our Southern sisters should be permitted to depart in peace.' I shall not stop here to read extracts; I shall not stop to discuss whether the advice was wise or unwise; but suppose that we had taken Horace Greeley's advice. Suppose that in 1860 his advice had been followed and Bates had been nominated for President instead of Abraham Lincoln; suppose his advice had been taken at the outbreak of the war when the clouds began for the first time to roll threateningly up in the sky; if we had taken Horace Greeley's advice at that moment we would have been to-day a disgraced, broken, shamed and humiliated nation. [Applause.]

"I will follow him a little further. There was different stuff, thank God, in this people than in Horace Greeley. They resolved that what they had said on the stump, and what they had declared at the polls, should be carried out, and that this nation, which was worth talking for, was worth fighting for. They fought for it, and they saved it. Finding that his advice was



not taken, you all remember how he wrote his most intemperate 'On to Richmond' call, and finally, after our arms had been defeated at Bull Run, he penned at the top of an article, 'Just This Once,' and begged pardon of the people, whom he was afraid he had betrayed, and promised never to do so any more. By and by he got courageous again, and before the proper moment had arrived, he insisted in an impudent letter to Abraham Lincoln that the slaves must be all at once emancipated. You remember how Lincoln answered that letter. Down in the mouth again, he insisted that if Lee watered his horses in the river Delaware, we should cry quits, and give up the contest; surrender our national integrity, and recognize the independence of the Southern Confederacy. We didn't do it. Lee did water his horses in the waters of the Delaware, and the silent soldier who makes no speeches answered that piece of southern bravado on the 4th of July, 1863, by sending us the intelligence that he had taken the stronghold of Vicksburg, captured 30,000 rebel prisoners of war, and opened the Mississippi from St. Paul to the Gulf. [Cheers.] On that same day, on the blood-stained field of Gettysburg, Lee who had watered his horses in the river Delaware, was driven back defeated and discomfited, the back bone of the rebellion was broken, and a check put upon its career from which it never recovered.

"That is not all. A call was made for troops, and of course Greeley flunked again. In 1864, he inaugurated peace negotiations with whom? With Colorado Jewett, probably the champion free-lunch eater of the American continent; a man known all over the country as a chronic dead-beat. [Laughter.] He was the negotiator with whom Horace Greeley opened negotiations for the purpose of securing peace; and after letters had passed between him and Jewett, he writes to the President calling his attention to the fact, and using this expression:—'Mr. President, I venture to remind you that our broken, bleeding, dying, and almost bankrupt country cries for peace.' Lincoln at once upon the reception of that letter, wrote him back that if there was anybody anxious to treat for peace on the basis of a restored Union and the abandonment of slavery, to send him or bring him to him, and he was ready to treat upon that basis. You remember the course which the negotiations took. It turned out that the commissioners were not authorized. Finally Greeley wrote a letter to the President stating that these men in Canada were not authorized to treat, but they thought they might get somebody who would be, and, accordingly, the President wrote that famous 'To whom it may concern' paper, stating precisely the same terms embraced in the first letter he addressed to Greeley. Greeley withheld from the rebel commissioners that the President had in the first instance made that the only basis on which negotiations could be conducted; and when Clay and Holcombe made a complaint that the President had seduced them into the belief that the negotiations might be made freely and without terms, Greeley joined with them and said the negotiations had been brought to an end because the President had abandoned the basis on which they had been inaugurated. Now, I do not care so much, that in the course of these negotiations he recommended that \$400,000,000 be paid for the slaves; I do not care so much that he blundered in opening them with



Colorado Jewett; I do not care so much that he misled the rebel commissioners themselves; but I do care, as it behooves every Illinoisan who holds the good name and memory of Abraham Lincoln dear in his heart,—I do care that on that occasion Horace Greeley joined with the rebel commissioners and placed Abraham Lincoln in a false position before the country. Abraham Lincoln had made no change of base; the first letter he sent announced the only basis on which these negotiations could be conducted; he asked Greeley to show that first letter to the commissioners in order that there might be no mistake about it, and you remember how we were all dumbfounded when a portion of that correspondence was published, how we saw no escape for the President, and how it seemed to us and to the whole country that Lincoln had been trifling with these commissioners, had abandoned the position, and had misled and betrayed them; and when, in order to set himself right before the world, Abraham Lincoln asked Horace Greeley for the privilege of publishing the whole correspondence, merely omitting the phrase, ‘our bleeding, bankrupt and dying country,’ because he said it might discourage and dishearten the people at the north,—when he asked that his good name might be vindicated before thirty-seven millions of people, Horace Greeley refused. Horace Greeley joined in the cry against him, and by that refusal placed Lincoln in a false position before this country for two years; and not until the danger had passed, not until the storms of war had rolled away, was the correspondence published, and the name and good fame of our martyred President vindicated.

“That is not all, my fellow citizens. I do not charge him with complicity with Tammany, but I do say this, that that State Central Committee in the City of New York, which Horace Greeley represents, has been a Tammany committee from the beginning; that the reason why, for years and years, we could not do anything in the City and State of New York was that Tweed owned, managed, and ran these committees. Now, what is the cause of this breaking out between Greeley and the President! It is this; at the last organization of the Republican State Committee at New York, it was represented to the President by leading men of both parties in the State that unless this committee was reorganized, it would be utterly impossible to make any head against Tammany, which had corrupted the whole country, plundered that great city, and depreciated and almost ruined her credit; and hence the weight and moral effect of the administration was given for that purpose, and the Tammany men on the committee were thrown overboard—Ben Field and the rest. Greeley denounced the President because Tammany was overwhelmingly beaten; it was for that—because this, sterling President, who never made a promise that he did not keep, and never deserted a friend in the hour of trial and trouble, because U. S. Grant, the great captian of our age, and our leader, then stood between this despoiled and plundered community and their robbers,—that this outcry is raised in the City of New York, and Greeley is to-day running on what they call a Liberal Reform ticket. Now, who are his surrounders and friends? Waldo Hutchins, Hank Smith, Fithian, Ben Field,—men notorious all over the continent, as the tools, the dupes, and the lick-spittles of Tammany for

years past. I need do nothing more than appeal to the *Chicago Tribune* on the morning after his nomination. The *Tribune* substantially said 'he must rid himself of all the dead-beats and plunderers that surrounded him.'

"They tell us the war is finished; perhaps it is. I ask every sincere Republican in this house to-night what he believes would be the result, provided we had at the next assembling of Congress a Democratic majority in either or both branches of our national Congress. They need not undertake to repeal the fifteenth amendment, or the fourteenth, but you and I know that there is such a thing as unfriendly legislation. You know as well as I—there is not a man in this house that does not know it—that with a Democratic majority in either branch of our national Congress, you might pile up facts mountains high, showing that the new freeman had been outraged, insulted, and abused, and they would not see the facts. The time has not come when it is safe to withdraw from the hands of this great party the power with which, for years, you have entrusted it. It is a question which we must regulate and decide as we do all other questions; we must determine what men will do in the future by what they have done in the past.

"If there should come to the cashier of the bank in this city two applicants for the office of teller, both of them with their platforms precisely alike, embodying the ten commandments, Christ's sermon on the Mount, and everything that is good in morals and business, still the cashier, I take it, would not decide upon these applications merely on the platforms which these men made; he would enquire into their history; and if he found that one fellow had robbed his employer's till, that his credit was bad and his morals weak, and the other had never been suspected of any offence, he would select the man whose record had been good in the past, notwithstanding the old thief might say he had taken a 'new departure,' and promised never to do so any more. [Laughter and cheers.] 'I am glad to hear you have taken a new departure; I hope your platform is all right; I think your platform is; but my dear sir, I must let you depart first with somebody else's money than my own.' [Laughter.] Everybody who asks us for political position, for power, for trust, can see that reputation is not a dead issue. The reputation of any party which solicits power is always in issue, and it always will be in issue. [Cheers.]

"Now, what issues do they present to us? Simply two. In this liberal platform which they all seem so anxious to put up, they clamor for the one-term principle. I am opposed to it, and so are you. One term is too long for a bad President, and two terms are not more than enough for a good one. We needed no amendment of the Constitution to get rid of James Buchanan and to get rid of Andrew Johnson. We did not need any amendment of the Constitution to shut off Martin Van Buren, James K. Polk, and the rest of them; and the fact that we elected Abraham Lincoln because the interests of the nation demanded it is an eternally convincing proof of the futility of such a plea as that the whole of the people shall be tied hand and foot by a clause of that kind in our organic law. I believe thirty-seven millions of people are quite competent to determine whether

they want a man for President the second time or not. They have always been able to do it and all the precedents of our history have justified their conduct whenever they have, as they have done in many instances, quietly thrown him overboard.

"But they tell us they are also in favor of local self-government. Now, what does local self-government mean? Governor Palmer has had a breaking out of local self-government ever since he has been Governor of Illinois. The local self-government, or state sovereignty, is the queerest disease that has ever afflicted any man in this world; infinitely worse than inflammatory rheumatism; it is absolutely ineradicable; all the waters of the deep sea could not wash it out. In his first message, the Governor talks of state sovereignty; so he went down to Cincinnati, with his little budget of the military occupation of the city of Chicago. And their platform talks of local self-government. Why, it is the old exploded theory of state sovereignty, and nothing else under heaven. Read the Democratic speeches that are made at their meetings, endorsing Greeley and favoring his nomination by the convention, and election. It is the same talk we heard exactly, all through the war, of tyranny and oppression, and the iron heel of the tyrant. My fellow citizens, go home to-night and ask yourselves, in the presence of your own conscience, and in the presence of God, whether you feel you have been tyrannized over. Ask yourselves whether this magnificent spectacle which is now presented is the result of tyranny—that of a great people, led as they have been by the steady hand of this great captain, encountering a mighty volume of debt, and reducing that debt hundreds of millions of dollars, and at the same time reducing the burden of their taxation in equal proportions. Think, too, how our greenbacks are appreciating; think how our bonds are appreciating in the markets of the world; think how our credit has advanced; think how prosperity prevails throughout all our borders; and then, look at the President of the United States, and thank God that he is no genius, that he is simply a plain, honest, capable, faithful man, true to the interests of the great people by whom he was placed in his position.

"He declared to you at the outset. 'I shall have no policy opposed to the will of the people.' How did he illustrate it? He thought, early in his administration, that the interests of this country demanded the acquisition of the Island of San Domingo. I thought it did not; the most of you thought it did not; I have seen occasion to change my opinion upon that subject; but finding that the will of the people was against it, General Grant sends his manly and noble message to Congress, and says, 'I thought that the interests of our trade, our commerce, and our nation demanded the acquisition of that island; I thought not only for commercial purposes, and in view of future complications with foreign powers, we ought to have it, but in and of itself we ought to have it, I thought so then, and I think so still. I sent my commissioners, among the best men in the country there, and they have reported as I thought. You, my fellow citizens, do not want it; I only want it for you; if you do not want it, do not have it; I have no policy opposed to the will of the people.'

[Cheers.] I tell you, in the years that are to come, standing up against all the glittering rhetoric of mere senatorial orators, that simple state paper, magnificent in its self-denying patriotism, will stand out like a great gigantic pyramid, challenging the admiration and gratitude of mankind.

"Yet, after having done what he has done, and accomplished what he has accomplished, it is insisted that he must be thrown overboard, and Horace Greeley substituted in his place. It is claimed that he has violated his faith with the people in the injudicious appointments he has made. I am here making no apologies; I am not here as a partisan either; but I believe that there is, deep down in the popular heart of the people, a sense of fair play and of common decent treatment, that will vindicate, and protect, and defend him; that same great nation that has rallied around our martyred President as with cords of steel, will rally around their living captain as with flames and circlets of fire, and protect, and justify, and care for, and defend him.

[Cheers.] I ask you now to remember, whenever there has been, in the history of the politics of this country, charges so malignant and so base, and epithets so vituperative as have been employed against Ulysses S. Grant, you would stop and ask yourselves, 'What has this man done? Has he broken open a bank? Has he stricken down his neighbor in the dead hour of the night? Has he robbed anybody? Of what offense is he guilty? What crime has he committed?' Run through the whole catalogue of crimes, and still the denunciations that have been poured upon him have been all too severe; and we answer and say: 'He has done nothing except to save this nation.' We will save it again, and save it, my fellow citizens, through him. The contest upon which we are just entering will be one of the most animated which has ever occurred in the political history of this country; the same old party stands up as strong, powerful and bold as it ever did; its banner is lifted just as high; it keeps step to-day, as it always has • kept step to the glorious music of the nation; it knows no faltering, it knows no shrinking of the spirit, no trembling of the nerve; and as we come into line, now at the opening of this campaign, here together in this great and magnificent county of La Salle, let the old fires burn, all up and down the land, and let the word go all up and down the line, let the old spirit rise up in every heart, and let the old order be given from the beginning to the end of the continent, 'Forward!' and victory is assuredly ours. [Loud applause.]"

Mr. Storrs spoke the following week at Freeport, going over the same ground as at Ottawa, and in pretty much the same form. He commenced by referring to a Republican meeting he had addressed there in 1861, and another in 1864, when Abraham Lincoln was a candidate for a second term. He then gave a running history of the Republican party, from its organization, showing that the party had religiously performed every promise which it had ever made, and kept its faith with the people. He went on to say:



“The platform of the so-called ‘Liberals’ calls for nothing which the people demand and which the Republican party is not abundantly able to carry out. The Liberals demand the payment of the national debt; but the Republican party is paying it at the rate of one hundred millions of dollars per year. They demand the reduction of taxation, but the Republican party has already reduced taxation over one hundred millions of dollars. They demand the resumption of specie payments, but the policy of the Republican party has so far strengthened the national credit, that we are hastening toward specie resumption as rapidly as the business interests of the nation will justify. The Liberals do not care to tell us how they intend to resume, or when. That is the only point upon which there is any difference between anybody, and on that point the Liberals are silent and do not dare to speak. They demand the equality of all our citizens before the law, but to the Republican party alone is the nation and the world indebted for the fact that political inequalities have ceased to exist in this country. They demand a reform of the civil service, but fail to tell us what reform they wish, or how it shall be effected. Mr. Trumbull proposed that postmasters be elected by the people; but they have already scouted the idea as utterly impracticable. The present administration is the first and only one which has ever undertaken, in good faith, to effect practical reforms in our civil service. At the outset the Liberals were loud in their demand for a reform in the revenues; that they have skulkingly abandoned, and have surrendered their free trade theories to the most absurd protectionist on the continent. They demand a restoration of order at the South; but the encouragement of the Ku-Klux is a poor way to restore order. The Republican party has restored order by compelling the Ku-Klux to behave themselves; and so long as they can be kept quiet order will prevail in the South, her industries be developed, and her prosperity be assured. But the Liberals also demand the one-term principle, and clamor for the right of what they call ‘local self-government.’ Do they establish the one-term principle by electing Greeley, or do they purpose to remit that to the people of each congressional district? Will they secure the one-term principle by an amendment to the Constitution, or by an act of Congress or by Horace Greeley’s promise that he won’t run again? The people are quite competent to determine whether they want a President for more than four years. When they don’t want him for a second time they have a very plain way of giving him notice of the fact. We didn’t have to amend the Constitution to beat Andrew Johnson; nor did we have to amend the Constitution to dispose of James Buchanan. They wanted Abraham Lincoln a second time. Greeley and Trumbull and Chase and several other very high-toned gentlemen thought that one term was enough; but as is usual in such cases the people were quite competent to determine that question for themselves, and had their own way. We propose to let them have their own way about these matters in the future. We think that one term would be too much for Horace Greeley, and two terms is all we ask for Grant. As to this point of local self-government, it is a mere sugar-coated method of



administering the old 'State Rights' dose. Great clamor is made over what is called 'centralization,' and one would think that there was a great deal in it. The Liberals don't tell us what they mean by it. We are familiar with the talk, however. We became familiar with it during the war. That eminent 'Liberal,' Beriah Magoffin, of Kentucky, denounced the first call for troops as 'centralization.'

Those distinguished 'Liberals,' Fernando Wood and Henry Clay Dean, denounced the Emancipation Proclamation and the conscription laws as 'centralization.' The fact is centralization was the death of secession. As between the two, I am in favor of enough centralization to crush out treason at home, to assert our dignity, and to punish our enemies abroad. The Republican party has, for the first time in the history of the country made American citizenship a fact. For the first time in the history of this country, it is possible for a man to start from the Penobscot and read the Declaration of Independence in every town and county in every State to the Rio Grande, and none to molest or make him afraid. All this clamor about 'centralization' is meaningless, unless it be shown that the general government has in some way or other transcended its powers and invaded the reserved rights of the States. Talk is cheap. But until the Liberals point us to some legislation, or to some act for which the Republican party is responsible, of the character I have indicated, we need bother ourselves very little about 'centralization.' The Republican party believes that this Government is a Union *of the People*, and not a compact of States. It believes that these States are not like a lot of marbles in a bag which touch but do not adhere, but though 'distinct like the billows, are one like the sea.' For half a century or more we argued this question on the stump, in Congress, and in the courts. We won in all of those places. Not satisfied with the decision, the same men who now howl about 'centralization,' submitted the question to that tribunal of last resort, from which no appeal can be taken, the arbitrament of war. They were again beaten. It cost us three thousand millions of money, five hundred thousand lives, and over four years of war to win on that trial. I am opposed to a re-trial. Enough of money and enough of lives have already been wasted on the settlement of that question; and no such thin disguise as 'local self-government' will ever seduce us into the re-opening of that subject.

"A great deal of sentiment is expressed by these 'Liberal' gentlemen over what they call the distresses of the South, and much noisy vituperation visited upon the carpet-bagger. If under the new condition of things at the South bad men are elected to office, it is probably because the voters have made injudicious selections. The government can't help that, unless it gets up a new lot of voters, or prevents those from voting who now have that right. The negro votes because the fifteenth constitutional amendment tells him that he may; if he don't vote intelligently, it is because those 'Liberals' who denounce centralization at the South, have kept him for generations in ignorance. Intelligent voting, like intelligent workmanship, comes by practice, and unless the Liberals favor the repeal of the fifteenth

amendment, they should quietly accept all the consequences that result from it. We think that the temporary evils of unenlightened voting are much less serious than the permanent damage which would result in making the negro a citizen, and then withholding from him the only weapon by which his rights of citizenship could be protected."

On the 18th of July, Mr. Storrs went to Dixon, and there delivered a stirring address, which was fully reported in the Chicago papers, one of which said: "Mr. Storrs is a general favorite in that section of the country, and, though the afternoon was unusually wet, yet, as the shades of evening came on a very large crowd had mustered. As Mr. Storrs entered the courtroom he was greeted with a perfect storm of applause. By this time the room was densely packed. The court-house square held fully a thousand who could not gain admittance, and quite an equal number had gone home." He began as follows:

"Speaking in Dixon seems to me almost like speaking in my old home. Ever since the war began I have known the men and women of this magnificent county. I have been with them when we have taken counsel of our hopes, but you know that we never took counsels of our fears. I have been with them in the darkest days of the rebellion. I have been with them when defeat and disaster spread like a pall over the whole country. I have been with them in the glorious exultation of victory. I have been with them when we have settled grave political problems, upon the determination of which the existence of the life of the country depended. I have been with the old Republican party of Lee county in its days of strength, and power, and usefulness; and I have occasion to thank God, from the bottom of my heart, that the evidences which I see before me to-night, demonstrate as clearly as any physical evidence can demonstrate, that that great party is as strong and powerful, and resolute in its purpose and will to-day, as during any portion of its glorious career and existence.

"The mission of the Republican party is not ended! Its days of usefulness are not past! And when I am required to quit that party, I desire to have very substantial reasons, from very responsible sources, to assure me that I shall make something by the exchange, before I can withdraw my support from it. For nothing more than what this great party has done in the past, we should love it, stick to it, abide by it, and live with it forever. It is perhaps the first political organization which this country has ever known, that can look back upon its entire history and as it turns over page after page, say, 'Thank God, there is not a word written in that history that we desire to forget; we are not ashamed of the past, and therefore, are not solicitous that the past shall be forgotten. We are not ashamed of the issues which we have put through, and therefore, are not solicitous that they should be called dead issues. This party is ashamed of nothing that it

has done in the past, and therefore, does not go beseechingly around the country asking that what it has done shall be buried in oblivion."

He then recalled the history of the Republican party in glowing words and repudiated the idea that Charles Sumner or any other man had called that party into being. Then he compared the Republican and "Liberal" platforms, contending, as he had heretofore done, that there was nothing the "Liberals" wanted that the Republicans were not able to give, and arguing against their notion of a one-term principle in the same way as he had done in previous speeches.

"Now, as to self-government, what do they mean by that? They generalize by calling it centralization. What do they mean by that? If it is something very bad, I am opposed to it. If it is something very good, I am in favor of it. If it is part way between the two, I do not care much about it. I wish they would tell me, when they use these words of fearful import and thundering sound—what they mean? If they mean that they are opposed to the general government transcending its powers and interfering with the vested rights of the states—so am I—so are all. But while I am in favor of the rights of the states, I am, at the same time, in favor of the rights of the nation. We have spent \$3,000,000,000 of money, sacrificed hundreds of thousands of lives, and had four years of war, in order to save this nation from destruction. I am, therefore, in favor of a centralized government, so strong that there shall be some meaning in the words, 'American citizen.' I am in favor of its being so strong that in the remotest corners of the globe, whenever the meanest American citizens are molested, trampled upon, or oppressed, that this great government will put out its strong arm to defend the citizen and punish the oppressor. [Cheers.] And not only that, but that it will do the same with all its citizens at home. I am in favor of a government which, when the organic law has declared that negroes shall be voters—that they shall be clothed with that right—and that Congress shall, by appropriate legislation, protect and defend them. I am in favor of a central power strong enough to see to it that the right so conferred shall be protected, and the negro justified in its exercise; and whenever that right is assailed, as it was by the Ku-Klux, I hold that it is the duty of Congress to see that it is defended. But, they say that we must have peace, order, good-will, amnesty, and the shaking of hands across the bloody chasm. I am in favor of quiet. I am in favor of peace. I desire to see order reign through all the borders of this country, and over the whole earth; but if you would restore order, you must suppress disorder; if you would have peace, you must punish the men who are violating the peace.

"Who made the disorder at the South? Did the negro make it? No. Did the carpet-bagger make it? No. History has written it. Men masked, with blackened faces, by murder, robbery, pillage and outrage of

every kind, inflicted upon these new-made citizens, made a very bedlam of that country. Would you restore it by putting the Ku-Klux in power? No!—put him down and make him behave himself. When that legislation was passed, and the government clothed with these powers, order came. Why? Although their dispositions had not been changed, although the Ku-Klux were the same in heart as they had been before, yet because they knew there was a silent soldier in the presidential chair, and that the time had come when there must be no nonsense, therefore they behaved themselves. [Cheers.] It is because this administration has done that, that it is vilified, abused, and traduced in the way it is. I have desired to see the time come when you and I and all of us could travel wherever we pleased, could say what we desired to say, or think what we desired to think, and that there should be no one to molest us or make us afraid. That time is coming, but, gentleman, that time will not come until, in the prosecution of his business, every man can do it without reference to the place of his nativity."

He reiterated his former argument as to the difference between platforms and practice, and illustrated the political situation with an apologue which his audience appreciated and heartily enjoyed:

"This is also well illustrated by the fable of the wolves and the farmer. A farmer had been for years engaged in the sheep-raising business. When he started, he bought a magnificent shepherd dog to watch his flock, and he put it in office. There was a party of wolves in his immediate neighborhood, and as the time rolled on there never was any cordiality of feeling between the wolves and that dog. The wolf party gradually got smaller and smaller, because the dog would make raids on it, and by and bye they dwindled down to a very small number. There were, however, a good many curs in the neighborhood, and they determined they would join this wolf party, and call it a GREAT LIBERAL MOVEMENT. [Laughter.] They held a convention and resolved that peace and amity should be restored between themselves, and they concluded that there was nothing whatever in their way but that dog, and if they could get him out of the way they would shake hands across this bloody chasm. They passed a series of resolutions in which they declared that these losses that had been caused by their former depredations were atrocious, but that they were dead issues. They said they had renounced all the habits of their previous lives, and that they would, for the future, be the safest defenders of these flocks. The boss wolf went to the farmer, 'Now,' he says, 'all the trouble is attributable to this dog. To begin with, he is a dog you don't want around your premises at all. He is unfit for this purpose. Another thing, he cannot bark; there is not a stub-tailed cur in the country but what can 'out-bark him.' [Laughter and applause.] Another thing he says, 'five of that dog's pups are in position here—holding office. [Laughter.] He is guilty of nepotism in its very worst shape.' [Renewed laughter and cheers.] Gentlemen, that was a pretty rough case on the dog.



"The farmer says, 'These things may be so; I know that dog cannot bark much; but,' says he, 'he bites like the very devil, as you know. [Cheers.] I did not want him for a house-dog, so that, as to his merits or demerits on that point I have nothing to say. As to these pups, the clear truth about that is that they take after their father, and I have never lost a sheep out of my flocks; my flocks have prospered. I do not know about your logic, you may confuse me as to that, but the good straight way for me is to judge the future by the past, and I do not think that I shall be guilty of the atrocious nonsense and fearful ingratitude of removing that glorious old shepherd dog that has grown up with these flocks and with me, and has never been anything except entirely and forever faithful.' [Loud cheers.]"

Contrasting the records of Grant and Greeley in the days of the nation's peril, he concluded as follows:

"Let us be generous; let us be just; let us give the credit where the credit is due. Let it never be said of us, in the years that are to come, that the great nation that has been saved by the quiet and silent soldier, turned their backs upon him because he was slandered by the very men whom he had defeated in the field of battle.

"I believe that the great people of this country love Grant as much as they ever did—trust him as implicitly as they ever did. During the years this faithful man has held the helm of State in his hand, how magnificently the old ship of state has passed through the storms we know, because we have been passengers aboard of her. Let us not leave the ship. Let us not desert Grant—the old captain, one more trip and the thing will be done; order will be restored, our finances prosperous, and we will come up to those grand sunny slopes that spread themselves out in the great distance on the other side; and on this great continent, if we are true to ourselves, we will erect the most magnificent structure the world has ever known—sacred to the cause of human liberty—its dome as broad as the arching skies, its base as extended as the continent on which it is built. Here, in its mansions, there will always be space, for all time, for the true and loyal and good men from all corners of the earth to meet and celebrate the triumph of free government among men."

In the meantime, the Democrats had met at Baltimore, and in the hope of returning to power by the coalition method, had not only adopted the platform of the Cincinnati Convention, but had swallowed their candidates as well. The tactics of the Baltimore Convention were doomed to failure, and the accession of strength they hoped to gain from the renegade Republicans was more than offset by the opposition of stiff-necked Democrats who refused to accept Greeley and Brown as their leaders. The irreconcilable Bourbons called a convention of their own, which



met at Louisville, Kentucky, in September, and nominated Charles O'Connor of New York and George W. Julian of Indiana. Both these gentlemen declined, but their supporters nevertheless kept on voting for them, and thus nullified the "Liberal" Republican vote. The nominees of the Philadelphia Convention, Grant and Wilson, were elected.

The action of the Baltimore Convention gave Mr. Storrs a splendid opportunity for the exercise of his powers of invective and sarcasm, of which he was prompt to avail himself. His next campaign speech was delivered at Jacksonville, Illinois, on the 12th of August. To a large mass meeting there he delivered a powerful address, reviewing the political situation. The points to which he directed attention were always the same, but he had now a fresh argument to bring to bear in regard to the position of the Cincinnati party. They were now embraced in the ranks of those who had fought to destroy the Union; and Mr. Storrs brought the fact prominently forward, and prefigured the fate of the renegades when the enemy had no further use for them. He said:

"The campaign upon which we are just entering is, in many respects, the most important, and in all respects the most extraordinary, when we consider the manner in which it has thus far been conducted, that the country has ever seen.

"A great political organization which, in the short period of eighteen years existence, has accomplished more for the interest of freedom and good government than any party the world has heretofore known, having after successive triumphs over its old and persistent enemy so far demoralized it that it is rendered powerless for mischief in the future, is now, and for that reason, urged to voluntarily surrender to the enemy which it has since 1860 never met but to defeat.

"It has finally been demonstrated that our old, long-time adversary cannot defeat us. It is equally clear that there exists in this country no power sufficiently strong to overcome the Republican party itself, and we are now met with the curious proposition that, because the Democratic party is not able to beat us, we should for the purposes of reconciliation turn in and defeat ourselves.

"The man who commits suicide for the accommodation of his business rival possesses a much more conciliatory spirit than the majority of mankind can truthfully lay claim to.

"Had Grant, after thoroughly penning Lee up at Appomattox, received an invitation from Lee to surrender, for the purpose of bringing about an harmonious state of feeling between the two armies, no serious fault probably would have been found with Grant had he declined the invita-

tion and insisted, as he did insist, that the vanquished army should do the surrendering, and if harmony was what they were after they must be content to secure it in that way.

"No man would be more delighted to see the most brotherly and loving state of feeling established between the Republican and Democratic parties than myself, but they having been thoroughly defeated, it is, I think, no more than fair for us to insist that, if there is any surrendering to be done, they should do it. Had they been left to pursue their own course that is precisely what they would have done; but it so happened that just on the eve of stacking their arms and settling upon the terms of capitulation, a squad of disappointed captains and brigadiers from our own ranks joined them, and thus encouraged the brigadiers insist that the rank and file whom they have deserted shall follow them into the camp of the enemy, and trail their colors before the foe, whose surrender they could easily have compelled. It is not strange that the enemy thus recruited should immediately resume their arms, tear up their articles of capitulation, and be loud in their demands for shaking hands across the bloody chasm. The wonder is not that the army that is whipped should rejoice at the avenue of escape that is thus opened to them, but that the rank and file who, after weary marches and bloody battles, stand just upon the threshold of final and decisive victory, should suddenly lose all spirit and surrender to an adversary no longer disposed nor able to encounter them. . . .

"There is no distinctive Liberal party. It was swallowed at Baltimore. Jonah did not swallow the whale, but the whale swallowed Jonah; and the whale did not consult Jonah as to the time, or place, or manner of swallowing him, nor of vomiting him forth. Do you suppose that this Democratic whale will consult the convenience of John M. Palmer and Lyman Trumbull as to the proper time of casting them out of its stomach, where they are now quietly housed?

"When the Democracy think the time has come, out of its stomach will Palmer and Trumbull be cast, upon the bleak and desolate shores of political defeat and disappointment."

He showed that when the Republican State Convention of Illinois met in September 1871, that convention passed resolutions endorsing "with pride and admiration" the "eminently wise, patriotic, honest, and economical administration of President Grant," and that Lyman Trumbull then made an enthusiastic speech in favor of the resolutions. "I am told," he said, "that Trumbull either wrote or inspired these resolutions. What has happened since? One of two conclusions is inevitable; Trumbull and Palmer were dishonest and undertook to mislead the people then, or they are dishonest and undertake to mislead and deceive the people now." The point, he said, was not material, except as it affected these leaders of the new party.

"How are we privates, who are compelled to browse around in the valleys of political thought, to know what to do, when our great instructors who have been upon the mountain tops and occasionally send a solid boulder of wisdom crashing and tearing down the mountain sides for us to hammer away at, cut such extraordinary capers? Hardly knowing what to do last September, we reverently listened for instructions, and on the 20th day thereof, from the loftiest peaks, we heard Trumbull and Palmer shouting to us—'We refer with pride and admiration to the wise, patriotic, honest and economical administration of General Grant, and we confidently recommend it to the attention of the whole country.' [Cheers.] In our feeble way we caught up the law as it was thus delivered to us, and supposed that we were singing the right song, and in the right key as we responded. 'We refer with pride and admiration to the eminently wise, patriotic, honest, and economical administration of General Grant.' Judge of our surprise, when, on the 1st day of May, suddenly from those lofty summits, and with hardly a word of warning, we heard Trumbull and Palmer in full chorus shout forth—'The administration now in power has rendered itself guilty of wanton disregard of the laws of the land, and of usurping powers not granted by the Constitution.' We are all expected to join in the responses. The music is different, the words are different. They must be sung to a different key. Something is the matter with the leaders of our choir. Our voices are not trained to this new style of music. It is pitched too low for us. We cannot suddenly leave the 'Star Spangled Banner' for 'Dixie.' The words don't suit us. The result is that the congregation feel that this duet won't do for them, and they sing their good old pieces, in the good old words, to the good, familiar old music, and in the good old way.

"The result is the congregation is just as large and musical as ever. But our choir must seek employment from some other denomination."

On the civil service reform question, he said:

"All those Republican orators who call themselves 'Liberal' are most eloquent in their denunciation of our civil service, and insist that in order to effect any reforms therein the defeat of our ticket is an imperative necessity. Judge Trumbull suggests no remedy, unless indeed it be that the Executive shall have sole and exclusive control of appointments, and that neither Senators nor Representatives shall be consulted with regard to the honesty, capacity or fidelity of the applicant. I doubt whether a very substantial reform would be worked in this way. It seems to me that in appointing men to office without consultation with the Senators and Representatives from the State or district in which the appointee lives, the President would be more likely to be deceived as to the capacity and fitness of the man than he now is. The evils which Judge Trumbull thus indicated were not discovered by him. Nearly two years ago they were pointed out much more clearly by President Grant than the Senator has succeeded in doing, and, to the credit of the present administration be it said, that so far as Executive action is concerned,

Grant is the first President who called the attention of Congress to the subject, pointed out the evils of the system, and asked that they be remedied. In his annual message, December 5th, 1870, he said:

"Always favoring practical reforms, I respectfully call your attention to one abuse of long standing, which I would like to see remedied by this Congress. It is a reform in the civil service of the country. I would have it go beyond the mere fixing of the tenure of office of clerks and employes, who do not require 'the advice and consent of the Senate' to make their appointments complete. I would have it govern, not the tenure but the manner of making all appointments. There is no duty which so much embarrasses the Executive and heads of departments as that of appointments; nor any such arduous and thankless labor imposed on Senators and Representatives as that of finding places of constituents. The present system does not secure the best men—and often not fit men—for public places. The elevation and purification of the civil service of the Government will be hailed with approval by the whole people of the United States."

He reminded his hearers that, following out this policy, President Grant had appointed a commission of which Joseph Medill and George William Curtis were members, and that Congress had made an appropriation to cover their expenses. That commission had adopted rules, which went into effect on the first day of January, 1872. The Quixotic proposals of the "Liberals" on the same subject were then contrasted with the practical measures adopted by President Grant.

"The means proposed by the great Liberal reform party are most extraordinary in their total want of adaptation to the ends sought. They say 'to this end,' that is, to take the appointments out of the hands of the Representatives and Senators, to prevent the bestowal of patronage as a reward for partisan service already rendered, and to enable the President to determine the honesty, capacity and fidelity of the applicant 'it is imperatively required that no President shall be a candidate for reelection!'

"Was there ever anything more utterly trivial and absurd. Judge Trumbull says that one of the prominent evils of the system is that offices are given as reward for services already rendered.

"How in the name of sense will the one-term principle remedy that? The mere fact that Greeley is pledged not to run a second time, will not prevent him from paying off in offices the fellows who were instrumental in electing him the first time. How, in that way, will appointments be taken from Senators and Representatives? Greeley couldn't carry through a measure without the aid of these very Senators and Representatives. If he took it into his head to count them out in the matter of appointments, he would array them in hostility to him. And the fact that he had solemnly promised never to run again, would

make no earthly difference, and would rather intensify than cure the evil.

"But as I have said, one great difficulty is in ascertaining the facts as to the honesty, capacity and fidelity of the applicant. Among the thousands and tens of thousands of applicants for office it is impossible that the President should possess personal knowledge of those facts. When Mr. Robinson asks to be appointed Postmaster at a Cross Road in Texas, it is more than probable that the President has not the honor of a personal acquaintance with Robinson—has never heard of him before and knows nothing about his capacity or fitness. How is he to find out? He must not consult with the Congressman. But the way in which he is to find out whether Robinson is honest, is by not being a candidate for re-election!

"I suppose that the man who agrees that he will not be a candidate for re-election is thereby and for that reason gifted with some supernatural insight into the honesty, capacity and fidelity of men whom he has never before seen, of whom he has never before heard, of whose existence he had before been profoundly ignorant. Great, indeed, are the Liberal Reformers, and Greeley is their prophet. Our practical President who is not a man of genius—and that is most fortunate—but who, when he opens his mouth never puts his foot in it [laughter] by creating the Advisory Board, has succeeded in devising a plan by which the interference of Senators and Representatives may be prevented, and by a system of examination, the honesty, capacity, and fidelity of the applicants, to a certain extent, at least, ascertained. But even were the sole difficulty with our system the distribution of patronage, with a view to a re-election, are we quite sure that the one-term principle would be an improvement? A President, desiring re-election would—if he possessed any sense at all—know that his chances of success depended on his popularity with the people. He would know that the popularity of his administration would, in a great measure depend upon the character and fitness for their places of those who hold offices by virtue of his appointment. Regarded from no higher stand-point than the promotion of his own personal ends, it would be clearly to the interest of the incumbent to appoint honest and capable men to office. Nothing will ruin the credit, either of an administration, or a member of Congress, more effectually than bad appointments, nothing will give them greater strength than good ones. This inducement the candidate for one term does not have. He can simply discharge his political obligations without any reference to his future chances, because he has pledged himself in advance to surrender and forego them."

He next addressed himself to Greeley's famous plan for the resumption of specie payments.

"The Liberal Republicans are quite as vague and uncertain with reference to the resumption of specie payment as they are in regard to reforming the civil service. They say: 'A speedy return to specie pay-



ment is demanded alike by the highest considerations of commercial morality and honest government.' Precisely. But what do they mean by *speedy*? Do they mean within a month, or within a year, or within five years?

"Do they mean that we ought to resume specie payments as soon as, under the natural growth of the country, we can conveniently do so, or that resumption should be forced by legislation. Are they in favor of the National Banks, or are they opposed to them? We are all agreed that specie payment ought to be resumed, but *how* is the question. The sage of Chappaqua, who is never at a loss for a plan, has solved the whole question and relieved us from all difficulty. With \$400,000,000 of greenbacks in circulation and less than \$100,000,000 of coin in the Treasury, he says that '*the way to resume is to resume.*' Certainly nothing is easier. Resume at once. Commence paying out coin one hundred cents on the dollar until it is all gone and then—having about \$300,000,000 left that we have not coin to meet—we will find that the way to stop is to stop. But where is the money to come from to resume with? Judge Trumbull says our reserve is already too large, but it falls very far short of being large enough to justify us in resuming. How shall we get the balance? By taxation? There is no other way to get it, and we think our taxes are already quite large enough.

"We must either have more coin or less currency. Shall we contract? Let the business interests of the country answer that question. The fact is we will never resume specie payments through the immediate action of any legislation whatever. No more serious injury could be inflicted upon trade and business interests than an attempt to regulate and direct them by legislation. Experiments of that kind always result disastrously. But what might we expect should Horace Greeley be elected President? Filled with the conceit that the way to resume, is to resume he would in furtherance of his ideas recommend to Congress legislation to hurry and force resumption. I am assured however, that Congress would pay no heed to his advice. They probably would not, but the effect of such a message upon business would be instantaneously felt at home and abroad. Every National bank would at once contract its loans, and a sudden contraction of loans means general pecuniary distress, panics and widespread disasters. I am asked, do I know that Greeley will do anything of the kind? No, I do not. I don't know; no one knows what he will do."

On the amnesty question, he cited the generous and noble words of the President's last message to Congress, and then said:

"If the gentlemen who are not embraced within the terms of the present Amnesty Bill desire pardon, why do they not then ask for it? It can be had for the asking. I do not think that it would be subjecting Jefferson Davis or Raphael Semmes to any very cruel humiliation to insist that they should show the genuineness of their repentance by being compelled to *ask* for pardon. I submit that question to you.

"We are entreated to forgive and forget. We are willing to forgive; but there are many things which we ought never to forget. The father will never forget the son who died in the great cause. The widow will never forget the husband who perished that the nation might live. The orphans will never forget the father who willingly met death that they might enjoy the priceless treasures of free government. We cannot forget the heroic dead of this great rebellion, nor can we forget the cause for which they fought and died. We may forget, but the world will never forget, those most glorious events in our and the world's history, when a great nation, through four years of war periled blood and treasure for a principle—and that idea—the capacity of man for self-government."

In reply to the "Liberal" argument that the Constitution had been violated by the Ku-Klux and Enforcement bills, he said:

"Loud demands are made for the restoration of order and for the return of peace at the South. We are all in favor of that, but we differ widely from the Liberals as to the manner in which order shall be restored and peace secured. We would restore order by suppressing *disorder*. We would secure peace by punishing those who disturb it.

"When a *mob* is raging in the streets it is possible that order might be restored by surrendering to the mob but a better way by far is to disperse the mob and punish its ring-leaders. For the disorders which have prevailed at the South the negro is not responsible, nor is the carpet-bagger. The Ku-Klux alone are guilty of all the disorders which have occurred there. What shall we do to restore order? Surrender to the Ku-Klux or force them to behave themselves? The administration has adopted the latter course. It has interfered, and by legislation provided for the protection of the negro in the enjoyment of his newly acquired right, provided for the employment of sufficient force to put down and punish all those who would by force interfere with it, provided for the trial of those guilty of violating that article in the courts when a fair trial could be had. And this is the Ku-Klux Bill.

"I am not here defending or excusing it. I insist that had Congress failed to provide some means by which this constitutional right could have been protected it would have been *false* to its duty, *false* to the Constitution which imposed that duty upon it. The Ku-Klux investigation demonstrated that there was in the whole South an organization of at least five hundred thousand armed men, whose avowed purpose it was to drive the negro from the polls, and to put down what they called 'Radical misrule.' To accomplish this purpose every conceivable form of outrage, violence and cruelty was resorted to. Congress was called upon to act, and it did act. On the 20th day of April, 1871, the bill passed the Senate. Not a single Republican in the Senate voted against it.

"*Trumbull, Schurz and Sumner did not vote.*

"Upon the motion of Mr. Trumbull to strike from the bill the habeas corpus section, Mr. Sumner voted in the negative.

"Upon the final passage of the force bill in the Senate, Trumbull,

Schurz and Sumner did not vote—not a single Republican voted against it in the Senate, and but two in the House.

"It is idle to deny the existence of the facts upon which this legislation is based. It is idle to deny its necessity or appropriateness. After the law had gone into operation hundreds of men were arrested under it. Over 500 were arrested in the State of South Carolina. Many of them were put upon trial, and Reverdy Johnson and Henry Stanberry were employed to defend them. So clearly was their guilt established, so atrocious was the character of their guilt, that their own counsel, Reverdy Johnson, in addressing the jury, said: 'I have listened with unmixed horror to some of the testimony which has been brought before you. The outrages proved are shocking to humanity; they admit of neither excuse nor justification: they violate every obligation law and nature impose upon man; they show that the parties engaged were *brutes*, insensible to the obligations of humanity and religion.' The prisoners who were tried were convicted. Large numbers of them plead *guilty* without trial. Thus admonished the outrages ceased. For the Ku-Klux knew the President. They knew that he would enforce the laws, and so they again accepted the situation. Order is restored—not by basely surrendering the rights of the freedmen, not by a disgraceful capitulation to an organized, disguised, oath-bound gang of assassians, robbers and cut-throats, but by putting them down. For this Trumbull is arraigning the party which he has just deserted, and mournfully urging that, in the suppression of these shameless violators of every law, human and divine, the Constitution has been violated. But the gross inconsistencies of this new movement meet us at every turn.

"Of course we must expect, in the event of Mr. Greeley's election, that all this legislation will be at once repealed. Where then will the freedmen be left? Oh! we are told by the Democracy, we are in favor of the amendment. But the amendment is self-enforcing. The Constitution provides for a Judicial Department, consisting of one Supreme Court and such inferior Courts as the Congress may from time to time ordain and establish. The inferior courts are created by an act of Congress. Suppose that you repeal the legislation, what becomes of your courts?

"You have not touched the Constitution—you are earnestly in favor of that, but still opposed to all legislative action which gives it effect. So with the fifteenth amendment. The right to vote is conferred, and Congress is authorized to enforce it by appropriate legislation. The Democracy are in favor of the amendment, but opposed to all laws which may be necessary to make it operative. Repeal this legislation and what becomes of the negro? He is at once handed over to the tender mercies of the Ku-Klux, driven from the polls, and no power can be found to prevent it."

The earnestness and impressiveness of this argument were never surpassed in any subsequent speech made by Mr. Storrs during this campaign. It duly impressed not only all his hearers

at Jacksonville, but all who afterwards read the report in the Chicago papers; and no doubt had a good effect in keeping in the ranks many waverers. He closed by saying:

"I do not propose, my fellow-citizens, to detain you for the purpose of refuting the slanders which have been heaped upon General Grant. Senators Trumbull and Schurz will have faded out of human recollections and traditions; their slanders all forgotten; their little griefs no more; and yet the fame of our wise, honest, faithful, patriotic and modest President will be one of the brightest pages in our history.

"Whatever we may do, however ungrateful we may be, rest assured the world will not forget nor fail to honor U. S. Grant.

"Should we fail to defend him the shame is ours, not his. The base charges against him will shrivel into insignificance; the authors live only to be scorned, but the achievements which our slandered President has wrought in peace and war will grow brighter as the years roll on.

"The grand old party of the Union will not desert him, nor the cause which has made it so great. It is rising now like a strong man from his sleep, strengthened and refreshed. It never met an enemy but to defeat it. Under its old flag, led by its old chieftain, keeping step to the same old music, it confronts to-day its old foe; it will scatter it like chaff before the wind. [Immense applause and loud cheering.]"

At Indianapolis, on the 28th of August, Mr. Storrs delivered an address which the *Journal* of that city characterized as "one of the best efforts of the campaign." The night was stormy, and the driving rain on the roof of the wigwam created an uproar that interfered considerably with the pleasure of those who desire to catch every word, but the opposition of the elements only served to pack the auditors more closely in the vicinity of the stage. "The speaker," said the *Journal*, "is one of the most gifted orators in the country, and we can only regret the unfavorable character of the surroundings last night, and hope that he can be induced to visit us again before the close of the campaign." The report given by that paper is inadequate, but it is the best extant. Mr. Storrs began by paying his respects to Mr. Hendricks, as follows:

"The most extraordinary feature of the present campaign is the industrious effort made by our adversaries to rule out all history and all past experience as guides for the future.

"Mr. Hendricks insists that we must keep our eyes fixed steadily on the future, and that under no circumstances must we seek to gather any instruction from the past. We must forget all that we ever knew, and unlearn all that we ever learned. If we were situated precisely as Mr. Hendricks is, we might think with him. If upon looking back upon the



past history of our party we found what he finds when he reviews the record of the Democracy—a record stained all over with political crimes and offences of the most serious and damning character, we would undoubtedly feel as he feels, great anxiety to bury it out of sight and to detach himself from it.

“That man never lived who after spending at least half of his life-time in the violation of law, and in the commission of crime did not, when he desired the confidence of his fellows, resent with great zeal any allusion to his past career, and seek to bury them out of sight as dead issues. But dead as such issues are it is wonderful how they stick to a man, and how they will continually rise up in judgment against him. The course usually pursued by such unfortunates is a new departure in its largest sense. They cut their hair, change their clothes, leave their country, adopt another name, and travel under an assortment of aliases. All these things the Democratic party is now doing. The trouble is that the disguise which they have assumed is too thin. We all see through it. We see under this gauzy covering of reform the old State sovereignty, repudiation, negro-hating Democrat. They claim that they are really and in fact converted.

“We suspect the genuineness of the conversion. It is too sudden. The conversion of Saul of Tarsus is hardly in point, for although Saul, like the modern Democracy, went forth breathing threatenings and slaughter; on his trip to Damascus he saw a light, I am convinced entirely different from the one which the Democracy beheld at Baltimore. The light which Saul saw was from heaven. That which the Democracy beheld was from Cincinnati. By it they were enabled to see the Treasury Department and all the other departments of the government, a spectacle which had not gladdened their eyes for years. Saul didn't ask the disciples to join him, but he joined them. Saul did not propose that the famous liberal Christian, Judas, should join him and the high priest for a great reform movement. Saul not only changed his views but he changed his name, and thenceforth was no longer known as Saul of Tarsus, but as Paul, the Apostle.

“Our party has always been a great political missionary organization. We have to-day within our ranks thousands and hundreds of thousands of converted Democrats. We expect to have hundreds of thousands more. With us they feel that glorious freedom, which the truth alone can give, that ‘joy which passeth all understanding.’”

Mr. Storrs was quite in a biblical vein, and his speech throughout was pointed with scriptural illustrations.

“The overthrow of the rebellion liberated four millions of negroes, but it liberated even a larger number of Democrats. The colored man had sense enough to seize his liberty. But many Democrats seem to be afraid to take out their manumission papers. Don't be alarmed my Democratic friends. Freedom won't hurt you. Avail yourself of it, and the longer you enjoy it the better you will like it.



"We think it most ungenerous, that after having liberated the Democrat from the thralldom which bound him for years, after having saved for him the country which his party sought to destroy, after having freely forgiven the manifold sins of omission and commission of which he has been guilty, he should seek to deprive the negro of even the slightest benefits of his newly acquired freedom, and should exact from him the full measure of the little debt he owes even unto the uttermost farthing.

"It is an old story, but in point here, that of the king who took an account of his servants, one of whom owed him ten thousand talents; having nothing with which to discharge this heavy debt the servant begged for patience and promised to pay all. Moved with compassion the king pardoned him and forgave the debt.

"How much like a modern Democrat that old servant behaved. Going into the streets rejoicing in his freedom, he meets a fellow servant who owed him an hundred pence, and he laid hands on him and took him by the throat saying, 'pay me that thou owest.' This fellow-servant begged for mercy, promised to pay all, but the big debtor cast his fellow servant into prison until he should pay the debt, and then we are told his Lord was wroth, and delivered this unjust servant over to the tormentors until he should pay all that was due.

"Let these Democrats take heed from this story. Nothing torments the average Democrat like an exclusion from office. He must deal fairly with his fellow servants, or the torments of disappointed hopes which he has suffered the last twelve years, he will be compelled to endure forever.

"If the Democracy have in fact been converted, we would be glad to know precisely when the conversion took place. They now claim to be enthusiastically in favor of the fifteenth constitutional amendment. The Democrats of this State had not been converted when, in your State Senate, they withdrew and rescinded all action on the part of this State purporting to assent to and ratify that amendment, and when they solemnly 'protested and declared that the so called fifteenth amendment is not this day, nor ever has been in law, a part of the Constitution of the United States.' The Democratic party had not been converted on the 13th day of March, 1871, for on that day, upon a resolution declaring the validity of the thirteenth, fourteenth and fifteenth amendments, seventy-six Democrats voted in the negative, and four only voted in the affirmative. They were not converted on the 5th day of February, 1872, for upon that day, upon a resolution declaring that public policy demanded of all parties and citizens an acquiescence in the validity of thirteenth, fourteenth and fifteenth amendments, fifty-eight Democrats, including Mr. Voorhees, voted in the negative, and only eight Democrats voted in the affirmative.

"I am constrained to believe that the Democratic party is not yet converted. But if it really is, why should it not be quite willing to give a proof similar to those furnished by Saul of Tarsus? First, let it cease breathing threatenings and slaughter against Republicans and the Republican party, and show that they were in fact good Republicans by

joining our party, preaching our doctrine and voting our ticket. Second, like Saul of Tarsus, let them mark the period of their conversion by changing their name. Their willingness to 'shake hands across the bloody chasm' with some of our Judases won't answer the purpose. The nearer they get the further they are from us. *Finally*—before joining Judas even they demand pay for their repentance. They show their wisdom by refusing to give credit. And all this we think shows that Judas will be fooled. Over such a result, however, we should have no tears to shed.

"There are to-day but two parties in this country. The Liberal reform party went to pieces at its birth. The only principles which its promoters claimed gave it a distinctive character were, revenue reform, and civil service reform. Both these were shamelessly surrendered in their platform. To secure free trade they nominated the most extreme protectionist in the country. To reform the civil service they nominated a candidate who proposes to remove all present incumbents, fill up the offices with Democrats, and to enable them to wield the power thus acquired for their own purposes, pledges himself in advance that he will not be a candidate for re-election.

"They ask us, how are you going to get along without Trumbull, Fenton, Palmer and Julian? Did not we get along with them and how much easier it will be to get along without them. [Great laughter and cheers.]

"Well, Trumbull is gone, Fenton is gone, and I understand that Julian is gone. Banks is gone and Palmer is gone, 'Why should we mourn departed friends?' All I have to say is, good-bye Trumbull, good-bye Julian, good-bye Fenton, good-bye Schurz, take your baggage with you, you can put it all up in a red bandana handkerchief with a pin lock to fasten it; if there is any difficulty about securing future quarters we can furnish you a man who can pilot you directly into the ranks of the enemy where you belong. [Laughter and cheers.]"

He repudiated the idea that the renegades who had gone over to the Democracy ever were in any sense "leaders" of the Republican party. Then he showed the incongruity of the Democratic platform and candidates, and contrasted both with the plain, honest, consistent declarations and performances of the Republican party and President Grant.

"Horace Greeley is the most intensely high-tariff man in the country, and always has been. Brown is a free-trader from principle, and never has been anything else. Greeley is in favor of Ku-Klux legislation. Brown is thoroughly and bitterly opposed to it. Greeley is a temperance man, to the extreme of total abstinence; he eschews all meats, and is a graham-bread man on principle. Brown is a man who, according to his own confession, occasionally relapses into total abstinence, who favors soft-shell crab, and butters his water-melon. [Great laughter.] Now, my Democratic friend, which of these two worthies are you going for. You cannot go for them both, for they are as diverse and opposite as the

poles. Then the candidates do not agree with their platform, either taken together or separately. They do not agree with the platform any better than they agree with each other. Sumner says he will go for Greeley because the Democracy have been converted. Semmes says he will go for Greeley because Greeley has been converted. Sumner says he is going for Greeley because Greeley favors the negro race, while Semmes says he is going for him because he advocates the right of secession. Trumbull goes for Greeley because Brown is in favor of free trade, and the protectionist goes for Greeley because Greeley is in favor of protection. Now this party designs to swindle somebody, and if God should see fit to visit Horace Greeley upon us, somebody is as certain to be swindled as that two and two make four. It is either the Republican who votes for Greeley on the strength of his Republicanism, or it is the Democrat who votes for him on the strength of his Democracy; whichever way you take it, one way or the other, you must have it, there can be no middle ground."

He showed that the new doctrine of local self government was nothing else than the old doctrine of State sovereignty and the right of secession in disguise.

"We fought through five years of war to put down that accursed political heresy, and now that we have succeeded we mean that it shall stay down, and we intend to trample out the last vestige of its existence. That is Republican doctrine.

"But you tell us we have been cruel in not extending amnesty to our Southern brethren. Well, they all have the right to vote, and the disabilities existing against them are simply such as are created by the fourteenth constitutional amendment. Now, my Liberal Republican friend, if you are opposed to the existence of those disabilities, you are opposed to the fourteenth amendment, by which they were created, and if you are opposed to that amendment let me ask you to stand out like a man and say so. If you want to reargue that question, if you want to open up either the fourteenth or fifteenth amendments we are prepared to reargue both of them. But what is the truth about these disabilities? What do they amount to? Just this; about one hundred [and forty Southern gentlemen are deprived of the glorious privilege of holding office. Now, there are thousands of Democrats at the North who have been ever since 1860 laboring under political disabilities of exactly that character. [Laughter.] Since that time how many a Democrat has been prevented from holding office? The disability was created in a different way to be sure, it was imposed upon them by the voice of the people in that case, and in this it was imposed by the Constitution.

"But would it not be fair and decent to say the least, that these Southern gentlemen, Davis and Toombs, and Wigfall and Semmes, should ask for pardon before they get it? The great God of infinite wisdom, while his capacity for pardoning is infinite, never pardons the sinner until he prays for pardon. You know it is said, 'Knock, and it shall

be opened unto you.' 'Ask, and ye shall receive.' And whenever on bended knee, with a broken spirit and a contrite heart, with his hand upon his mouth and his mouth in the dust, the sinner humbly confesses his sin and begs for pardon, then, and not until then, does he get it. Are we asking too much when we ask that Davis, and Semmes, and Toombs shall ask to have these disabilities removed? If you think it is unkind to make that requirment, take a pardon with you and go down South, and on bended knee supplicate Jeff. Davis graciously to be pleased to accept a pardon from your hand. You may do it if you wish—the Republican party never will. [Applause.]”

He dwelt at length upon the inconsistencies to be found in Mr. Greely's record, and his bad faith toward Mr. Lincoln, and showed forcibly the dangerous policy of committing the affairs of the government into the hands of a man so vacillating and perfidious as he.

In September Mr. Storrs was stumping the State of Pennsylvania, and on the 17th delivered a stirring address at Reading, in the Library hall. The *Reading Times and Dispatch* says:—“The audience was composed of our most intelligent business men and mechanics who listened to the speaker with close attention for two hours, frequently interrupting him with loud demonstrations of applause. The meeting was enthusiastic, and the address a most able one. At its conclusion the speaker received many hearty congratulations. During his stay in this city Mr. Storrs has been called upon by many Republicans. He leaves to-day for Pittsburg.”

At the outset, he urged the Republicans to do their utmost to elect the Pennsylvania State ticket. He said:

“The interest felt by Republicans throughout the entire country, in the result of the October election in this State, arises not so much from any knowledge of the individual character of the candidates as from the controlling effect which this election will or may have upon the general result throughout the whole country. We feel that the Republicans of Pennsylvania have no right to defeat the Republican party in the nation, nor even to imperil its success upon any merely personal considerations. We do not believe that they will do so. In the times past the Republicans of the old Keystone have, with a patriotism and unselfishness which has secured for them the gratitude of the whole country, cheerfully set aside all personal considerations, and regarded, not their individual wishes and feelings merely, but the best interests of the nation. This much—no more, and no less—will be expected from them in the pending State election. It is not for me to say what, in this State, would be the effect upon the Presidential ticket of the defeat of General Hartranft. But



this I do know, that in every other State in the Union, such a result would be most dispiriting and disheartening, it might be disastrous. Pennsylvania holds the key to the position and the Republican party will hold you to the strictest accountability. Your State election can in no proper sense be said to be local. Where the key of the position falls, the position itself falls with it. A man may have a disease of the heart. In one sense it would be local. But when the heart stops beating, the man stops breathing, and the whole man dies. We would hardly think of attempting to comfort his mourning family by assuring them that the disease was merely a local one.

"So far as I have had opportunities to observe, the old saying that 'the blood of the Martyrs is the seed of the Church,' holds good here in Pennsylvania, as elsewhere. The attacks made against the candidates upon your State ticket, seem to have one effect at least, to create for them an active, energetic enthusiasm which might not have otherwise been inspired, and to demonstrate the more clearly, the more thorough has been the discussion, their eminent fitness for the positions for which they have been respectively nominated.

"To the Republicans of Pennsylvania may the defence of your nominees be safely entrusted. It is quite clear that they are entirely competent to perform that work. I invite your attention therefore to the broader questions involved in our national politics. The most extraordinary feature of the present canvass is the attempt made by our adversaries to rule out as an element of human calculation for the future all past history and experience. Men certainly never do that in their dealings with each other. In judging whether a man's future course will be straightforward and upright we are apt to give him the benefit of the fact, if it exists, that his past course has always been such, and however valiantly a party whose history is a record of crimes might declaim against any allusion to the fact as a discussion of dead issues, we would certainly in deciding his future course, be greatly influenced by those dead issues. Our opponents ask us to believe, and to act upon that belief, that a political party, whose course has always been honest, faithful, and patriotic will for the next particular four years reverse its history, and pursue a dishonest, unfaithful and unpatriotic policy, and that a party which for the last twenty years has never been on the right side of any question, will for the next four years be on the right side of all questions.

"Mr. Storrs then rapidly sketched the history of the Republican party, claiming that for what it had actually achieved it was entitled to the gratitude of good men everywhere; that if it had done nothing, and omitted to do nothing, which would justify the people in withdrawing from it their confidence, and that the mission of such a party would never be ended, so long as there remained one forward step to be taken in the pathway of human progress.

"The demise of the Republican party is most loudly insisted on by a number of recusant Republican brigadiers and captains who call themselves



the Liberal Reform party. The originators of the Liberal movement very well understood that the success of their enterprise would be seriously imperiled if the people, for a single moment, thought that the Democracy were to share in their counsels. Accordingly the Democratic party was notified to keep its hands off. Spurned and condemned at the outset, no sooner were the nominations made than these same despised Democrats were besought to give their support to a ticket in the nomination of which they were permitted to take no part. The most wonderful feature of the whole affair is the readiness with which the Democracy licked the hands which smote them, and took to their embraces their most bitter and malignant enemy.

“‘Was ever woman in such fashion wooed,  
Was ever woman in such manner won?’

“The parties to this extraordinary coalition, conscious of the fact that an explanation is required, furnish explanations which are as irreconcilable as their past history has been.

“Mr. Sumner alleges that the Democratic party has been converted to Republicanism, and insists, with much rhetorical amplification, that he has not, and that the Liberals who are now acting with him have not changed their politics in the slightest. On the other hand the Democrats engaged in this movement roundly asserted that they have not been converted, but that Greeley and Sumner have been, and have come over to them.

“The question is rendered still more embarrassing by Mr. Greeley himself, who, with his accustomed mal-adroitness, places both parties in the wrong—unties the Gordian knot by cutting it—asserts that neither party has been converted, but assures the committee from the Democratic Convention, that he is just as much a Republican as he ever was, and they just as much Democrats as they ever were. If that be true, and who can doubt the honesty or the wisdom of ‘honest old Horace?’ two parties having diametrically opposite views upon every question of public policy, have united each party to the coalition maintaining its opinions. If that be true, it is the most shameless and impudent bargain recorded in political history. If that be true, the motives of the parties to it must be dishonest and their purposes corrupt, no principle lies at the bottom of it, for neither party has changed its principles or acknowledged its errors. The Democratic party has always been the steady and persistent enemy of every movement looking to the enfranchisement of the negro, or his elevation to the rights of citizenship and the enjoyment of suffrage. This policy has been Democratic; it has been believed in and pursued by Democrats alone, and Mr. Greeley says that they are none the less Democrats than they have ever been.

“Should it be perfectly apparent that the negro would in the absence of any legislation to enforce it, be deprived of all the privileges secured to him by the fourteenth and fifteenth amendments, Democrats would deny him such legislation. Such would be the policy of their

party. Democrats still, as Mr. Greeley assures them that they are, he nevertheless accepts a nomination at their hands and solicits their support. Consistently with their policy the Democratic party would if it possessed the power at once repeal all the so-called Ku-Klux legislation. If Mr. Greeley were President it would be his duty to recommend to Congress such measures as in his judgment the public interests demanded. If in the absence of any legislation upon the subject, the negro was driven from the polls and by force deprived of the rights conferred upon him by the Constitution, it would clearly be Mr. Greeley's duty as President—being just as much a Republican as ever—to recommend to Congress such legislation as would enforce the right. He therefore as a Republican would recommend what Congressmen as Democrats would reject. He would urge the adoption of Republican measures by a Democratic Congress, knowing at the same time, as he tells them, that they are none the less Democrats than they have ever been. As a Republican, Mr. Greeley has denounced Democrats as traitors and demagogues, has declared that their party is made up of the low and ruffianly elements of society, and being just as much a Republican as ever, it is to be presumed that he entertains the same opinions still. The Democrats as such have denounced Greeley as a secessionist—as a half crazy and impracticable theorist and visionary, and being none the less Democrats than they have ever been, we are bound to presume that they are still of the same opinion. It is possible that in these particulars Greeley and the Democracy were both right, and that the harmony which now prevails between them, results from the fact that both parties are aware that each thoroughly understands the other."

He proceeded to review the record of the Democratic party, its opposition to the constitutional amendments, and its proposal to repudiate the national debt, and pointed out the inconsistencies of the coalition on the questions of revenue reform and civil service reform. The veto power was vested in the President by the express letter of the Constitution; yet Horace Greeley had agreed to abdicate this function in respect to the tariff, at the bidding of the Cincinnati reformers.

"Thus we are to secure a purer administration and a more faithful execution of the laws, by a deliberate agreement to neglect the performance of a constitutional duty, by the surrender of a constitutional right, by basely deserting all convictions of public interests, by a clear violation of an official oath. A political convention which will be permitted to demand of its candidate the surrender of a portion of his official powers as the price of his nomination and election, may with equal propriety demand the surrender of them all, and thus practically abolish the office of President altogether.

"The price which Horace Greeley has agreed to pay for his nomination and election, is one which no Convention at any previous period in

our history has had the impudence to demand from its candidate. The price which Esau received for his birthright was a liberal one in comparison, for Esau received his mess of pottage Jacob had to give. To no such depths has a Presidential candidate ever sunk before, and it is to be hoped that on this 'bad eminence' Horace will stand alone—the solitary instance of a public man bartering the convictions of a life-time, for the empty honor of a Presidential nomination—selling his birthright, for the mere promise of a mess of pottage.

"Equally inconsistent is the position of the Liberals as to the reform of the civil service. In their platform they say that the offices of the government should cease to be a matter of favoritism and patronage, but Mr. Greeley agrees to make them purely matters of favoritism and patronage by appointing only those who favor his election. The platform also declares that 'honesty, capacity and fidelity constitute the only valid claims to public employment,' yet Mr. Greeley agrees substantially to make a clean sweep of all those now in office, irrespective of their capacity, fidelity or fitness, and on the ground alone that they opposed his election. The greatest evil in our present system flows from the doctrine of rotation in office, but Mr. Greeley proposes to intensify this evil by rotating all the subordinates, but also agrees to rotate himself and meekly submits to the demands of the convention placing him in nomination, that he shall not be a candidate for re-election.

"The Liberals are also eloquent in their demands for reconciliation. They insist upon a shaking of hands, but the election of Mr. Greeley will reconcile the rebellious elements of the South only. No thought seems to be entertained of reconciling the millions of patriotic, loyal men, North and South. The denunciation of the Ku-Klux bill by a party which has for its standard bearer the most earnest and zealous advocate of that measure is in perfect keeping with the entire course of policy which they have pursued. If the Ku-Klux laws remain upon the statute book Greeley, as President, would be compelled to execute them. He could do no less. And any party openly taking a position of hostility to legislation for the enforcement of the fourteenth and fifteenth amendments would be at once buried beneath an avalanche of popular indignation, for that cause would practically render those amendments nugatory.

"Moreover, this new party returns clearly to the old and exploded heresy of State sovereignty. Its platform declares that 'local self-government, with impartial suffrage, will guard the rights of all citizens more securely than any centralized power.' The consequent of the doctrine of State sovereignty was the right of secession and the denial of any right of coercion in the federal government. It is clear that if local self-government attempts to secede nothing but the 'centralized power' of the Union can prevent it. But this centralized power is repudiated, and under any and all circumstances local self-government must have its way. This is 'reforming' us back to the dismal years immediately preceding the war. The question which we supposed we had settled at the expense

of 500,000 lives and 3,000,000,000 of money and four years of war, is again presented to us. Our views upon it are the same that they have ever been and we hope by this blow to crush it out forever."

Mr. Storrs then proceeded to the discussion of Mr. Greeley's record, showing that he was not to-day and had never been on the great fundamental question in our politics, the right of secession, a Republican, that he denied the right to coerce, that as Commander-in-Chief, if true to his principles, an attempt to secede must inevitably succeed, that his course throughout the war was factional, variable and damaging to the Union cause, and finally demonstrated that in the Peace Conference at Niagara Falls, he wilfully and deliberately placed Abraham Lincoln in a false position before the country, and refused to relieve him from it, thus placing himself beyond the pale of Republicanism, Republican sympathy and Republican support.

"The policy of the present Administration as to the resumption of specie payments was then discussed, and contrasted with the absurd proposition of Greeley that the way to resume was to resume. The fact that since 1868 gold had fallen from an average of 139¾ to 114, was cited as evidence of the wisdom of Republican policy as tested by results, that policy being to resume as rapidly as the business interests of the country would permit, through the operation of such natural causes as the development and growth of the country, the solitary fact that at its present rate, the immigration to this country from Northern Europe alone would add to the wealth of the country within ten years four thousand eight hundred millions of dollars, being cited as evidence of what such development would accomplish.

## CHAPTER XVI.

### PROFESSIONAL PROSPERITY.

HIS PROFESSIONAL WORK FROM THE FIRE OF 1871 TO 1875—PROMINENCE IN GREAT CASES—"HELL AS A MILITARY NECESSITY"—THE CONGRESSIONAL ELECTION OF 1874—CONSOLIDATION OF THE SUPREME COURT.

"I NEVER knew that I was an orthodox Christian before. I believe now that a literal hell is a military necessity," wrote Mr. Storrs to Mr. Samuel W. Allerton, February 13, 1874, in a letter commenting upon the result of a trial, brought upon a lease of certain property known as the East Liberty cattle yards, at East Liberty, in the State of Pennsylvania. The suit was one involving several hundred thousand dollars. In April, 1864, the Pennsylvania Railroad Company, as lessor, executed a lease which was signed by Joseph R. McPherson and Samuel W. Allerton as lessees, but which, while so signed, was done by them as copartners of Archibald M. Allerton and John B. Sherman. The East Liberty Yards were generally known as the Pittsburgh stock yards; they had been built originally by Joseph McPherson, a Chicago capitalist, but under his management proved a failure, and had fallen into the hands of the Pennsylvania Company. In 1864, McPherson solicited Samuel W. Allerton and John B. Sherman, of Chicago, and Archibald M. Allerton, of New York, to re-organize and develop the enterprise. The Pennsylvania road obliged these lessees, who eventually entered into a contract, to covenant that they would individually and collectively, during the life of the lease, do everything to enlarge its cattle traffic. McPherson and S. W. Allerton only



signed the articles of leasing, the other Allerton and Sherman, though equally interested, not signing from business policy—fear of being injured in certain railroad interests and, Sherman especially (who, with Samuel W. Allerton, was just then endeavoring to start what are now known the world over as the Chicago Union Stock yards), not desiring to have it appear that his energies were to be divided. The new co-partnership did not succeed, at first, much better than that of McPherson had originally; A. M. Allerton and Sherman soon bargained to sell their interests to Samuel W. Allerton, on a basis of profit of \$11,000 to the date of the sale. The Pittsburgh cattle yards, almost immediately upon the completion of the terms of sale, began to make money rapidly, and, at the end of three or four years, chagrined and envious because of the money-gathering character of that which they had sold out at so low a basis, Archibald M. Allerton and John B. Sherman began a proceeding in the New York courts against Samuel W. Allerton and Joseph R. McPherson, demanding an accounting and setting up fraudulent sale, claiming that at the time it was represented that the profit from the Pittsburgh yards amounted to only \$11,000, the actual gain had been at least \$30,000, while, as subsequently demonstrated, the yards had an annual profit quality exceeding \$100,000. Although the distinguished talent of Judge S. W. Fullerton, of New York, was retained by Mr. Samuel W. Allerton and his associates, the New York courts had decided adversely to them, and their attorney counseled a settlement, when Mr. Allerton bethought him that there was a brilliant-minded young Western lawyer and January 25, 1875, while in Chicago, consulted Mr. Storrs. The result of that consultation was a wonderful *coup d' état*. The New York case, with the aid of a masterly bill of review prepared by Mr. Storrs—so masterly as to bring out of the lips of Judge Fullerton the exclamation “that is the argument of a great intellect!”—was dragged along; and, all at once, the Pennsylvania Railroad Company retained Mr. Storrs in a proceeding instituted in the United States District Court for the Northern District of Illinois against John B. Sherman, Archibald M. Allerton and Samuel W. Allerton, demanding half a million dollars as breach of covenant on the part of these three defendants in not employing all their efforts, individually and collectively, to enlarge the cattle traffic

of the railroad corporation, as had been covenanted in the articles of leasing April, 1864. The litigation which followed the institution of this proceeding consumed many weeks and months of time. A plea was filed by the defendants averring that they had performed in good faith all the covenants and conditions of the lease on their part to be performed. This plea admitted the execution of the lease and relieved Mr. Storrs' client from the necessity of introducing it in evidence. On the part of the plaintiff alone sixty-seven witnesses were examined. Nearly all the prominent cattle-dealers and shippers at New York, Buffalo, Pittsburgh, Philadelphia, Chicago, and other points were hauled into the controversy. It was indisputably shown that Archibald M. Allerton and John B. Sherman had, almost from the signing of the covenant, been constantly directing shipments of cattle by rival lines contra to the welfare of the Pennsylvania and contra to their express obligation. It was, also, indisputably shown that Samuel W. Allerton had adhered to his compact. Illustrating the nature of the evidence and how vast the sum of the damages might develop into, it was proved, for instance, that Alexander, the then great cattle king of Illinois, by the personal solicitation of Archibald M. Allerton and John B. Sherman had transferred the bulk of his shipments from the Pennsylvania Railroad to the New York Central and other connections. So irrefutable became the mass of evidence introduced by the plaintiff that, affrighted by visions of ruinous damages, Archibald M. Allerton and John B. Sherman fell into the graves prepared for them. Under the evidence there was no escape for them. Hundreds and thousands of pages of testimony, already filed in the court, overwhelmingly demonstrated that, for a period of at least six years, they had not only failed to perform the covenant which they had admitted that they had made, but had violated it grossly and shamelessly. The case was set for a hearing, counsel for both parties being present at the time, and the counsel for the defendants agreeing. Suddenly notice was served upon Mr. Storrs as counsel for the Pennsylvania road that the defendants, John B. Sherman and Archibald M. Allerton had retained new legal aid and that a motion was to be made to file an additional plea of *non est factum*—namely, that they had never signed the lease and were not interested parties. That plea was called up, argued and allowed to stand by Judge

Blodgett the very day that the case was called for trial and a jury empannelled. Thus the entire issues in the case were suddenly re-cast. Thus the necessity of making proof of the fact of leasing relations—the necessity for which the plaintiffs' counsel had no right to anticipate—was suddenly devolved upon them. Thus, singularly, after nine months of assiduous labor under a state of pleading which admitted the execution of the lease did these two defendants become suddenly aware of the fact that they had spent months of time and thousands of dollars in money in endeavoring to demonstrate that they had faithfully performed. Mr. Storrs smiled grimly, as he said "An oath in New York binds in Heaven and in the West. These men, claiming a partnership, were demanding money through the machinery of the New York Courts, heaping oath upon oath that they were interested through these articles of leasing. In this very cause they had, during weary months, sworn long and loudly that they had lived up to each covenant. In a flash they turned completely around and denied everything." The trial proceeded; it seemed conclusive against John B. Sherman and Archibald M. Allerton, when to the consternation of Mr. Storrs, Judge Blodgett, after listening to a mass of testimony and hearing the most extended and exhaustive arguments, excluded the lease from the jury and decided, substantially, that in no way was it possible to hold the defendants John B. Sherman and Archibald M. Allerton, and for the simple reason that their names did not appear in it as parties to it. For some reason, Mr. Storrs while confident in the final result of this great litigation, which was being sustained for a reason known perhaps only by himself and Mr. Samuel W. Allerton, anticipated Judge Blodgett's ruling.

"In my judgment," he wrote in February 1874, during the progress of the hearing, "every exertion that a lawyer not gifted with supernatural powers could make has been made to win my case. There is not a lawyer in this city whose opinion is good for anything who is not in my favor, and yet you will be astonished to hear that I apprehend defeat. . . . The case is a genuine one, as you know. Our claim is substantial, and the defense is as conspicuously unfair and fraudulent as was ever witnessed in a court of justice. But since it has been tolerated thus far, I am apprehensive that, upon grounds which I cannot control, it will be tolerated through to the end. It is a gratification to me to say that my clients are satisfied. I can do nothing more and nothing less than my duty. That discharged, I am satisfied, and the demerit of an unjust decision must rest upon the Court which makes it.

"Possibly I am dyspeptic to-day. No intelligent lawyer capable of trying a case would have a moment's doubt on a point of this character; and the question derives its dignity, not from the seriousness of the question itself, but from the large amount involved, and the manifest disposition of the Court to assist conspicuous and demonstrated perjurers in the evasion of a contract as plain as ever was written."

He at once presented to the Hon. Judge Drummond, presiding judge of the District, an elaborate argument—characterized, like all his written legal papers, by that clearness of analyzation, coupled with singular beauty of language, which would render even dry law palatable to the most ordinary reader—demanding a new trial. The result he told himself in a letter to a friend, dated February 13, 1874:

"The Court this morning decided the motion for a new trial in the famous Pennsylvania railroad case, in my favor. I know it will give you almost as much pleasure to receive this intelligence as it does me to communicate it. Blodgett delivered the opinion, but while the hands were the hands of Esau, the voice was the voice of Jacob. It was Drummond's opinion, and while it was very brief, it was the complete demoralization of all the absurd quibbles which stood in our way on the original trial. This places us in shape for a verdict against these demonstrated perjurers, as near a certainty as anything we reach on earth.

"They staked everything on the quibble; the quibble has failed; and if the Plutonian regions have any occasion for the services of these people, they are so completely at liberty that they can engage in the service."

It was only a short time later that all proceedings both East and West were satisfied and dismissed from the Courts. The shrewd and brilliant move of the Western lawyer and capitalist, constituting one of the greatest counter-proceedings known in the history of jurisprudence, resulted in complete success. Messrs. Archibald M. Allerton and John B. Sherman were content to leave Mr. Samuel W. Allerton alone with his money-getting Pittsburgh yards; in what way a settlement was made with the Pennsylvania road, the late powerful president, now deceased, alone possessed the right to divulge, and the terms may rest with him.

"Not only as a stalwart Republican, but as a warm personal friend of Judge Sidney Smith, the Republican candidate, during this year of 1874, Mr Storrs took a part, which he very seldom did in "off years" in the contest for election to Congress for the

First Congressional District of Illinois. Opposed to Judge Smith was the Hon. B. G. Caulfield, Democrat. In a lengthy address before a mass meeting, held Saturday evening, October 24th, he showed that the new Liberals were merely "the Democratic party in disguise," and he answered some of the arguments of Mr. Caulfield about the centralization of the government and the rule of the carpet-baggers, concluding with a powerful review of the records of the two candidates. As his review on centralization, and most of the other topics advanced, are substantially embodied elsewhere they need not be repeated; but his inimitable disposal of the questions of carpet-baggers, negro suffrage, the one-term question, and his eloquent allusion to the political party of his faith, merit quotation, as follows:

"Mr. Caulfield complains also of the general cruelty of the nation. He complains of the carpet-baggers and the enormous debts inflicted upon the Southern people and the Southern States. Let us stop and think of this one moment. In the first place, what are you going to do about carpet-baggers? What are they? They are your acquaintances and friends, and mine. I know of no law to prevent a citizen of Illinois going to the State of Louisiana and taking up his residence there. There was no law which prevented Mr. Caulfield from coming from Kentucky and taking up his residence here. With what kind of a countenance can a resident of Chicago talk about carpet-baggers? I venture to say there are not ten men in this audience that are not in this sense carpet-baggers, and a large majority I have no doubt came without their carpet-bags and purchased them after their arrival. [Laughter.] They came here with nothing but the lessons of thrift, energy, and strong purpose that they had learned in their old homes. They came to these great plains and prairies which held out their broad and generous arms, and, thank God, they entwined the new-comers in their embrace; and here, in these fields the carpet-bagger has worked out the most colossal and resplendent result in history. He has built up an empire in a quarter of a century, the wonder and admiration of the world. He has built on the shore of this great lake, this wonderful city; and when but a few years ago the flames swept over it, you could see, even before the burning embers had died out, the spirit of the carpet-bagger rising from the ruins unconquered and unconquerable. [Cheers.] These are the results which the carpet-bagger has produced here. If the tree which the carpet-bagger has planted produces such good fruit, for God's sake let us plant it all over the continent. They need it especially in the South. Why do the negroes vote? Because the constitutional amendment gave them the right. There are, of course, inevitable evils that flow from ignorant suffrages. Everybody understood at the outset that this was the question which, as a patriotic people, we were called upon to encounter and settle. Here are



four millions of citizens, just made such. They are ignorant, they are unlettered; shall they vote or shall they not? On the one hand there beset us the dangers resulting from ignorant voters, and on the other were the infinitely greater dangers, infinitely more alarming perils, resulting from depriving that number of citizens of their right of suffrage. But more than all this, if an educational test is to be applied let us apply it all round; let us make it universal. I can see some reason why the poor black of the South, held down for generations by the system of slavery to which he was subjected, should be unable to read or write. If you are to apply the test make it universal, and I won't stop to estimate how largely the Democratic vote will be decreased thereby. [Applause.]

"But if you pass this legislation at the South, and if they try to charge it upon the Republican party, remember, my fellow-citizens, that this vote came from that amendment to the Constitution. You can't rid yourselves of it, unless you rid yourselves of that. And this fact has been proved to a demonstration, that however easily the black man in the South may be beguiled and deceived on the great political and financial questions concerned, when the great questions of national interest comes up he is true. I would rather have in the perils through which we are compelled to pass, a poor black, ignorant and unlettered though he be, on questions of political economy, than the most learned man, even if he could cipher through reams of statistics, and preach about the splendid doctrine of State sovereignty to justify secession.

"Mr. Caulfield is in favor of a one-term Presidency. That is the only definite statement of principle he has made. How is it to be secured? Not by an act of Congress. Will he accomplish it by an amendment to the Constitution? The people of this country have reached that condition where they may be trusted to determine the question for themselves. The people have never found serious difficulty in getting rid of a President they did not like. Take the case of James Buchanan. The people called upon him, knocked at the door, and demanded he should 'get down and out,' and he got. [Laughter.] How was it with Andrew Johnson? He desired a re-election, and those millions of people, quite competent at that time to regulate their own concerns, marched in a body to the White House, took him by the ear, and gently led him home to his tailor's bench in Tennessee. [Laughter.] If the people of this country have decided to elect a President for the second term, they have never made a mistake. We elected Washington, Jefferson, Madison, Monroe, Jackson, and where, in the name of God, would we have been in 1864 if there had been a constitutional prohibition against the re-election of Abraham Lincoln. [Cheers.] The absolute existence of the nation depended upon it. I have a higher faith, a more thorough belief in the intelligence of this people than Mr. Caulfield. I would leave the one or two term question to the people.

"I would not fetter them in the slightest degree by a constitutional prohibition. I would leave this question of a third term to the people, and I believe I could safely leave it there; and by leaving it there we will never see a president hold the office three terms in succession. [Loud cheers.]

"I have said this election demands no special oratory. It demands calm thought and reflection and a careful survey of the whole field. I cannot talk Republicanism on any platform but that I feel the old fires still burning in my bosom. I remember what a glorious party it has been, and what a magnificent party it is to-day. It is a splendid party and will send Sidney Smith to Congress. He will go there carrying its record, and he is part of it. The Republican party, which was started in a few resolute hearts, in a quarter of a century has dedicated leagues of territory to freedom; has elevated and dignified labor all over the world; has carried through on its broad shoulders the most gigantic war the world has ever seen—so gigantic that the very globe rocked and trembled beneath the tread of its armies and bound up 3,000 miles of seaboard with its blockading fleets. That party carried through the thunder and storm of battle this great nation, the custodian of the priceless treasure of freedom among men; that party, after the nation was saved, lifted from the weight and degradation of slavery 4,000,000 of human beings and made them citizens. That party performed a greater miracle than the transformation of water into wine, for it turned a piece of private property into a United States Senator. Sidney Smith will be sent to Congress with this record behind him, to represent this great city, one of the youngest born of this great Republic."

A question raised at the time and variously discussed, was that of a consolidation of the Supreme Court of the State of Illinois, with a revision of the rules of practice. Scarcely a State in the Union but has suffered from delays from a Court overloaded with business so great as to amount to a substantial denial of justice. At the Spring term (1874) of the Supreme Court, held at Ottawa, Illinois, for instance, there were over six hundred cases upon the docket, and at least a third of these cases ought never to have been taken there, and even for the cases properly taken up, the records were twice as voluminous as necessity required. The reports of the decisions were two or three years behind; the decisions themselves were long deferred and postponed—so long in some instances that the case itself was nearly or quite forgotten by court, counsel, and litigants; the applications for rehearing were multiplying at an alarming rate, and their consideration involved a large portion of the time of the court; the tribunal was peripatetic in its character, holding its sessions in three different parts of the State, and the records being carried about from one city to another, for the convenience of judges to whom the decisions of particular cases were assigned; when cases were orally argued the decision was so long deferred that the argument faded almost from the recol-

lection of the court; a great number of causes were then, as now, carried to that court for the dishonest purpose of delay merely, and, as the practice now stands, there is no way of preventing it. [Both then and now in Illinois, the judgment appealed from draws six per cent. interest, and an appeal, which postpones the day of payment from one to two years, is a money making operation, a most efficient method of securing an extension, and is in the nature of a forced loan at six per cent. interest.] Such were some of the evils which the bench, the bar, and the public were compelled to endure, and the question arose, what is the real source of these troubles; what remedies, if any, can be found?

In an open letter, appearing in December, 1874, Judge W. K. McAllister attributed very much of the difficulty to the fact that there were large numbers of men practicing law "whom the Almighty never intended for lawyers." As was said at the time, this allegation was doubtlessly true; but, as was also said at the time, there is no way of getting rid of those falling within his description who were already engaged in the practice and no way of preventing future accessions of such men to the ranks of the profession, save by a much more rigorous examination of applicants and a much closer scrutiny of capabilities than fellow-beings could exercise, for even incompetent men will somehow succeed in passing limited examinations, and men quite unfitted to practice law, or any other profession, continue to be born despite election laws, the Supreme Court, or the General Assembly of any State. Being thus, as often before and since, a grave public question, Mr. Storrs became actively interested, and, at the request of the *Chicago Tribune*, he wrote four editorials, the gist of the remedy he advocated being that the courts require a simplified, condensed presentation of records. Friday morning, December 4, 1874, under the heading of "The Supreme Court," he editorially wrote—the question is yet alive—in the *Tribune*:

"If there should be anywhere an incredulous legislator who is of opinion that the Judges of the Supreme Court are overpaid for their services; who thinks their position, on the whole, is an easy one; and wonders why they suffer business to get so far behind, let him visit the office of the Clerk of that Court at Ottawa during its session, inspect the records which they are required to examine, note the volumes of printed abstracts which they are compelled to wade through, to say nothing of the reams of printed and written briefs and arguments, and we are confident that the aforesaid legislator will leave the cramped and inconvenient office of the Clerk of the

Court a wiser, if not a sadder, and probably a madder, man than when he entered. If he asks the Judges whether it is necessary that those records should be so immensely voluminous, they will with one accord tell him no. If he inquires whether the abstracts should be of such infinite length, they will answer him no. Should he inquire whether it was necessary that they should diligently read through all this vast amount of matter, they will answer yes. They will tell him that it is quite impossible to guess from the appearance of the outside of the record what it contains, and that they are frequently compelled to read hundreds of dreary pages to find, at the end, that there is not a single legal question presented by the record."

After a minute illustration, by reference to cases then pending in Court of the absurd and wrongful incorporating of an entire record in a bill of exceptions, he laid down the rule, that:

"The bill of exceptions should in no case present more of the evidence than is absolutely necessary to render the ruling of the Court to which an exception is taken intelligible. And the practice of sending up to the Supreme Court all the evidence, without reference to the fact as to whether any questions of law are raised upon it or not, is an abuse so serious in its character that it will swamp the Court if not soon corrected. Where the evidence is conflicting as to a certain fact, it is quite enough to say, if anything whatever need be said in the bill of exceptions concerning it, that the plaintiff introduced evidence tending to show a certain state of facts, and that the defendant introduced evidence tending to show the opposite state of facts. Where the evidence in the Court below is conflicting, the Supreme Court will not attempt to reconcile it, nor will they disturb a judgment where the evidence in the cause is conflicting. These are questions peculiarly within the province of the jury, and the purpose of an appeal is not to transfer the trial of questions of fact from a jury of twelve men, who see and hear all the witnesses and have every opportunity of determining from their appearance upon the stand what witnesses are entitled to belief, to a jury of seven gentlemen who neither see nor hear the witnesses, and have no means to aid them in determining which tell the truth. The trouble rests with the practice as to bills of exceptions. The Supreme Court of the United States will not tolerate nuisances and impositions of this character. A few years since a case was taken to that Court from this circuit, and the bill of exceptions had been prepared something after the fashion prevailing in the Supreme Court of this State. The Judges at Washington denounced the practice in the most unmistakable terms, and gave very emphatic notice that thereafter cases brought to that Court with such bills of exceptions would be dismissed at sight. It is needless to say that the admonition had the desired effect. It is safe to say that in the great majority of cases bills of exceptions in cases taken to the Supreme Court of this State are ten times longer than they need to be. Reduced to their proper proportions, the perusal of the records by the Court would not consume one-fourth the time that it now does, and the real points in the case would be much more clearly apprehended and understood than they now are."

Again, on December 11, upon this same question in an editorial on "Centralizing the Supreme Court," he wrote:

"After all, this is a question in which the general public are more deeply interested than the lawyers. At the final end, the client has to foot the bills and bear all the burdens of these frightful delays. The Bar undoubtedly understand how serious these difficulties are more clearly than the public generally; and it is to be said in their favor that the suggestions of reform which they have from time to time made, have in view the interests of the litigants rather than their own. There are many minor reforms which ought to be made, and which the Court itself could bring about by rules.

"Every appellant or plaintiff in error should be required to preface his points or argument by a brief statement of the facts in the case with references to the page of the record where the facts would be found. The length of this statement should be limited. This practice prevails in New York, and also in the Supreme Court at Washington, and its adoption here would dispense with that tedious nuisance called an abstract of the record.

"Reduced to its proper proportions, the entire record should be printed, paged, and foliod, so that each member of the Court would have a copy.

"There is no more favorable time for inaugurating these reforms than the present. The present Supreme Court of the State is a very able Bench, and compares with any appellate tribunal in the Union. Our reports are steadily gaining reputation abroad, and with the changes in the workings of our judicial system which we have recommended would be made still more valuable."

These editorials provoked notice, personal and public; however, little support was advanced by the general press, and for yet existing causes the series might well be reproduced in these later days. As Judge McAllister wrote to Mr. Storrs, December 9th, 1874, "the articles in the *Tribune* are excellent arguments in favor of reform. You deserve gratitude for what you have done and are doing to call public attention to the matter. . . . A public-spirited man will always be appreciated both in and out of his profession."



## CHAPTER XVII.

### A DECORATION DAY ADDRESS.

1875.

THE HONORED UNION DEAD—WHAT THEY FOUGHT AND DIED FOR—TRIBUTE  
TO CHARLES SUMNER.

DOWN to the close of his life, Mr. Storrs was annually besieged with invitations from all over the Western States to deliver Fourth of July and Decoration day orations, to address Grand Army reunions, temperance societies, and charitable institutions of various kinds, and to lecture to college societies or deliver the oration of the day at college commencements. For a long course of years, he was in the habit of accepting one or other of these invitations for the Fourth. In 1875, he delivered the address on Decoration day at Norwood Park, in the vicinity of Chicago. It was just after the death of Charles Sumner; and as, during the heat of the campaign of 1872 he had said some things in regard to Mr. Sumner's "leadership" in the Republican party which might have been misconstrued into a disparagement of the celebrated abolitionist, he took this occasion to pay a beautiful tribute to the great man who had passed away. As a specimen of Mr. Storrs' oratory on patriotic occasions, this Norwood Park address is one of his finest, and it is therefore here given in full.

"Upon our hillsides and in our valleys are scattered the graves of more than two hundred thousand heroes, who bravely fought and nobly died, that our nation might live. To-day, wherever these graves may be found, have flowers been scattered upon them. The grass grows green upon them, the soft breath of the coming summer gently breathes its blessings over

them. The clear, blue summer sky hangs tenderly above them, and as the summer comes to deck these graves with its beauties it meets a welcome from thousands of hearts, and is aided in its work of beauty by thousands of hands decorating those graves, which, under the touch of the advancing season, will ere long gleam with blossoms all their own.

"The beautiful custom which has to-day been observed would lose much of its significance, and would soon pass away, were it confined merely to an expression of our personal affection for those whose graves we decorated. The custom would soon, and ought soon to pass away, were any portion of its purpose the rekindling of those passions to which the war gave rise, or to the perpetuation of those hatreds and animosities which it naturally excited.

"Because we decorate with floral offerings the graves of the Union dead, we would not desecrate the graves of those who died in the Confederate cause. Nay, more—our affection for the Union soldier and his memory does not devolve upon us the necessity of hating the slain Confederate. On many a battle field they lie side by side, their battles all fought, their enmities all washed away in their blood. Now that they who fought bravely against each other are at peace, it is no part of our purpose to renew their warfare.

"I do not overlook, and would not if I could, the special debt of affection and gratitude which we owe to those, our fathers, husbands, brothers, and sons, who fought and died that the Union might be in perfect integrity preserved; those who inspired by as high and holy a courage as ever lifted up the human heart or nerved the human arm to action, willingly met death for a principle—the right of self-government: but our affection for them will be all the deeper and purer, unmixed with any feelings of bitterness or resentment. In the language of our great President, "With malice toward none, with charity to all," we stood to-day around the graves of the Union soldiers, and, as typical of our undying love for them and the purity of that love, robed their graves with the fresh flowers of the early summer. As the season marches on, day by day developing some new beauty, the flowers will bloom afresh until their penetrating perfume shall float all around the globe, and intoxicate every other nation with the hope of liberty.

"But I have said that our duty remains unperformed, when confined merely to expressions of personal love and affection. The great cause for which they died is honored and our fealty to it renewed in every annual observance of this character. Our demonstrations of affection for the dead soldier would be but a hollow mockery, an unmeaning observance—nay, worse than that—a sham, were we to forget the cause in which he perished, or barter away the principles for which he died.

"He asserted, and backed his assertion with his life, the indivisibility of the Union—declared it to be perpetual. He fought not that one State might triumph over another, nor that many States might triumph over one, but for a patriotism bounded by no State lines, broad enough to compre-

hend and embrace the entire Union. He fought, in short, for a *National existence* not for *one State*, but for the *United States* of America. The heresy of so-called "State rights," and by this I mean the pretense that any one State might, when it saw fit, secede from the Union, and that there was no rightful power to prevent it, the Confederate soldier asserted and the Union soldier denied. They fought the question out. In that cause the Union triumphed; in its vindication the Union soldier died. We must ever regard it as settled; to suffer it to be re-opened would be an insult to the dead whom we have to-day honored.

"The Union soldier fought for a republican form of government, and that it should be guaranteed to every State in the Union. Are we quite certain that, although victorious, the fruits of his victories have been safely garnered? It would be unseemly here to enter upon a discussion of any of those vexed political questions which agitate and divide the country. But is it not well for us, our judgments cleared, our hearts purified by the solemn ceremonies through which we have to-day passed, to pause, reflect, not as partisans, but as patriots, whether there are not in the South, nay, even in the North, States to be found where, so far as the real rights and interests of the people are concerned, while the *form* of a republican government is preserved, its *spirit* has been destroyed?

"In the triumph of the Union arms the equality of all men before the law was maintained. No slave to-day breathes upon the soil of the Republic, and there would seem to be but little danger, that either in form or substance, could his newly-acquired freedom ever again be jeopardized. But 'eternal vigilance is the price of liberty.' No great blessing was ever achieved without exertion. No right was ever wrung from the clutch of power without a struggle fierce and bitter, nor retained without the exercise of ceaseless, sleepless vigilance. If our gratitude to the soldier of the Union, and our respect and honor for his memory are to be measured by what he accomplished, it would be difficult to fix a limit. He preserved our National Union, and thus saved to the world, in its integrity, our nation, the only custodian of the priceless treasure of free government among men. He crushed out the barbarism of slavery and transformed three millions of human chattels into freemen and citizens. These results, the most colossal and resplendent in history, were accomplished within the short period of four years, and the soldier of the Union thus crowded a thousand years of history into four short years of time.

"Passing all considerations of affection, springing from ties of kindred, is it strange that one day in each year has been set apart to enable us to testify our devotion to those who surrendered their lives for results so magnificent? But the heroes who accomplished these stupendous results were not strangers. They were our fathers, our husbands, brothers, and sons. Thousands of them to-day sleep in the grave-yard, at the old home. The same sky hangs over their graves to-day, into whose blue depths they looked when they were boys. The same hearts beat in tenderness for them now that warmed toward them in the old days at home. The widow to-day casts flowers upon her husband's grave, and he heeds it not. The orphan lays

his floral tribute upon his father's last resting-place—he heeds it not. The father and the mother repairing to the old hill-side where their boy is buried, with bedimmed eyes and sorrowing hearts, robe his last resting-place with the sweet flowers of summer, but the boy heeds it not. But the wife and the orphan and the parent all know that the spirits of husband, father and son are about them. They feel their presence in their hearts. They know that the gracious offerings which love and affection make, rejoice the spirits of the departed and ennoble and sanctify the hearts of those who are left behind.

“When the widow thinks for what her husband died, she treasures it in her heart as sacredly as his memory. The cause in which his father gave up his life, stirs the heart of the orphan and calls to him after such a sacrifice to maintain it. The equality of man is something more than a ‘glittering generality’—it is a living principle, as sacred to him as the memory of the father who died for it, and which, were it endangered, he would himself freely part with all to defend.

“Thus it is that a deed of patriotic heroism is in its effects eternal. It possesses an indestructible vitality. The heroic deeds of which blind old Homer sung, have come down to us across the chasm of thousands of years, and to-day inspire the farmer boy upon the hill-side and the prairie with high and noble resolve. Great deeds and great men make great nations. The Greece of to-day has the same hills and the same valleys that it had two thousand years ago—the same sky bends over it to-day that canopied it then; but Pericles and Phidias, Plato, Demosthenes, and the great men who made Athens the seat of culture and philosophy, are no more, and Greece—the Greece—lives no longer. And so our country, young as it is, is the country which our great and patriotic men have made it. Into the current of our national history the heroic deeds of the Union soldier have passed. Their names ‘history will never willingly permit to die.’

“We speak a few weak words; but the great heart's gone to God.  
 They have fought with their swords, won our battles, red, wet-shod!  
 While we sat at home new laurels for our land they went to win,  
 And with smiles Valhalla lightens as our heroes enter in.  
 They bore our banners fearless to the death as to the fight,  
 They raised our nation peerless to the old heroic height.  
 We weep not for the heroes whom we never more shall see,  
 We weep we were not with them in their ruddy revelry.

“But not alone in the rude shock of battle were the great results to which I have referred accomplished. The rebellion was a contest between opposing ideas, and long before they flamed out into war had they been brooded over by the thinker, urged upon the platform, proclaimed through the press, declaimed upon the stump, debated in Congress, discussed and argued in the courts. The great champion of the cause for which the soldier died, lived to see its complete triumph—and then he passed away.

“From his boyhood, through obloquy and abuse, Charles Sumner stood forth the unflinching, unswerving champion of the rights of man. It would ill become me to attempt to pronounce a eulogy upon Charles Sumner.

That work has been so well, so beautifully, so feelingly and truthfully done already in every city in the country that it would be an impertinence in me to undertake the task. But the great leading features of Mr. Sumner's character, intellectual and moral, were of such transcendent merit, that surely it will be well if his example is constantly kept before us, and our public men. A man of the broadest culture, and the largest literary acquirements, he never employed them for the promotion of his own personal ends, nor for any purpose of self-aggrandizement. He never used his vast learning to tickle the ears of the multitude, nor were his literary quotations, numerous and beautiful as they were, ever employed to gild an unworthy purpose. His intellectual fiber was of the most perfect rectitude. He could no more take a position that he did not believe to be right than he could change his nature. He made up his mind that the institution of slavery was a blistering shame to our civilization, that it was a relic of barbarism, and thus believing, he so declared, when to make the declaration brought upon him not only frowns from, and alienation of, old friends, but personal violence, from the effects of which he never recovered. In the midst of the tempest which surrounded him, he stood unmoved and immovable.

"Those perilous times came when, cringing beneath the threats of the slave power, bent on destroying the Union, the cry of compromise filled the air, and frightened politicians hastened to abandon the professions of a life-time; hastened to give back to the slave power all that years of manly struggle had wrested from it; hastened to renounce every principle secured by the election of Abraham Lincoln, in order—vain hope—to appease their Southern brethren, and to persuade them not to leave us. Not so Charles Sumner. Upon the eternal rocks had he planted his feet, and there was he determined they should remain, and they did remain. How splendidly he stands out to-day as he then stood, now that the mists of passion and prejudice have cleared away and revealed his true position to us.

"The war came: it was inevitable. We all remember how reluctantly we accepted the conclusion; how for weeks and dreary months we dallied and toyed with the slave, fearing to touch the question, and even returning the slave to his rebel master, hoping still to appease him and persuade him back. But Charles Sumner knew that there could be no reconciliation until one or the other of the opposing ideas, freedom or slavery, perished. Years before in his college halls, he had chosen under which banner he would be found. His splendid rhetoric, now persuading and now denouncing; his powerful logic was day and night, in season and out of season, employed to press upon the government the necessity of making the issue direct, offering the slave his freedom, and using his services as a Union soldier. The proclamation of Emancipation came. I do not attribute this result solely to Mr. Sumner, nor do I say that Mr. Lincoln did not see its necessity quite as clearly as did Mr. Sumner. Their positions were entirely different. Their responsibilities were different. The merit of this great measure can be attributed to no one man.

"But as the war progressed—defeat following defeat in swift and sickening succession—Charles Sumner was found the earnest advocate of every



measure by which our soldiers could be sustained in the field and the great contest finally pushed through to success. During all these years Charles Sumner never for one moment lost sight of that down-trodden race in whose cause he had, when a boy, enlisted. When the war closed the question faced the country and could not be avoided, 'What shall be done with the negro?' The slave-holder thought in the pacificating policy pursued by Andrew Johnson, that he saw an opportunity to still retain the old power over the slave; penal codes were adopted by the seceding States, the effect of which would have been to reduce the negro to substantially his old condition. The people were wearied with the slave question, wearied of the war, anxious at once to heal the breaches which it had made, and disposed to be careless as to the means. The danger was imminent. Faithful through the years which have since passed, Charles Sumner stood sentinel, and never rested his labors until the negro was not only a freeman but a citizen.

"The last crowning glory of his life, his 'Civil Rights' bill, has just ripened into law, and by it every vestige of the old slave system is wiped away. His 'works did follow him,' and almost his last words were 'take care of my Civil Rights bill.'

"And thus his career ended. Where shall we find a nobler, a more patriotic, a more lofty one? But one great feature which distinguishes his career I have not yet noted. The negro having secured the privileges of citizenship, Charles Sumner showed to the world that the warfare which he had waged in his behalf was based upon no mean considerations of personal hatred toward the master. Accordingly the great heart that bled for the slave, when he was in the agony of his bondage, after his release, sorrowed for the master in the trouble which environed him. The great purpose of his life had been accomplished, and he turned his mind to relieving the oppressed whites of the South. His idea of human rights knew no distinction of color or of creed; and Charles Sumner, he who but ten short years ago, had he then died, would have been execrated by the entire South, to-day finds the old slave-holder and the old slave alike sincere mourners at his grave, both feeling that they have lost a friend whom money could not buy, whom power and threats could not coerce. Over the grave of this great moral and intellectual hero we drop the tear of affection and reverence. It too shall we clothe with flowers, for in that grave rests all that is mortal of a statesman as pure in heart, and lofty and patriotic in purpose, as ever brightened the pages of history.

"His spirit stands to-day face to face with the soldier of the Union whose cause he so valiantly maintained. The Confederate who once deemed him his bitterest enemy, now knows that he was his friend. Around the grave of such a man, all citizens of a restored Union can meet. In that solemn presence all bitterness is vanished. Adapting to my purpose the language of a great master of English literature, I would say to North and South, black and white alike: 'Oh, brothers, enemies no more, let us take a mournful hand together, as we stand over his grave, and call a truce to battle. Hush, strife and quarrel, over the solemn grave. Sound, trumpets, a mournful march. Fall, dark curtain,' upon a life thus gloriously closed.

## CHAPTER XVIII.

### LECTURES ON THE ENGLISH CONSTITUTION.

TWO LECTURES TO THE STUDENTS OF THE CHICAGO LAW COLLEGE—THE FOUR GREAT DOCUMENTS WHICH FORM THE BASIS OF THE MODERN ENGLISH CONSTITUTION—"BAILIFFS AND CONSTABLES THAT KNOW THE LAW AND MEAN TO OBSERVE IT"—HOW MAGNA CHARTA WOULD WORK IN CHICAGO—HISTORY OF CROWN AND PARLIAMENT.

HARDLY a year passed during the last decade of Mr. Storrs' life in which he was not asked by some seminary of learning to address its students, either by way of an address at what is called the "commencement," to the graduating class, or a lecture on some literary or philosophical subject to a students' club. The law students of the University of Michigan, at Ann Arbor, and those of the University of Wisconsin, at Madison, in particular, addressed to him pressing invitations for this purpose; and similar invitations came from colleges in Indiana, Iowa, and even as far west as Nebraska. It is a high mark of the respect in which he was held in his own adopted city as the brightest ornament of its bar, that in the fall of 1874 he was invited by the students of the Chicago Law College to deliver a series of lectures for their benefit. Mr. Storrs was at all times ready to extend a helping hand to young men toiling up the steep and rugged pathway of professional success; his manner towards such, when they were on the other side of a case in court, was invariably courteous and forbearing; and among no class of his fellow-citizens is his memory more prized and honored now than among the younger members of the bar. An invitation of this kind always gratified him, and the performance of the task involved in his acceptance of it was sure to exhibit him in the fullest exercise of his highest powers. The students of the Chicago

Law College of that year will long remember with pride and delight the prompt compliance of Mr. Storrs with their request, and still more the wonderfully luminous way in which he unfolded to them a chapter of constitutional history which all American citizens should learn, for it lies at the foundation of our own constitutional history. The struggles of those pioneers in the cause of popular freedom who extorted the Great Charter from King John, who procured its confirmation by Edward I., who compelled the assent of Charles I. to the Petition of Right, and secured the enactment of the Bill of Rights on the accession of William III., as the groundwork of the present English constitutional system, must always be interesting to the youth of a nation whose forefathers were descended from these men, and brought hither with them those imperishable charters of constitutional freedom. To 'our kin beyond the sea'—returning the kindly phrase used by Mr. Gladstone in writing not long ago of the American people—these lectures must be interesting, first as the work of an eminent American lawyer, and next as one of the clearest and most compendious narratives of the circumstances out of which the existing English constitution grew that has ever yet been published. No English jurist could have done the work better within the limits of two short lectures. Many American lecturers, attempting the same feat, would have failed to grasp the salient features of the story, and might have fallen into inaccuracies of statement from which Mr. Storrs' wide reading of English books and thorough knowledge of the subject preserved him.

No extant production of Mr. Storrs' pen affords such abundant proof of his vast reading of a class of books not generally included in the average lawyer's library. He was thoroughly conversant with the general literature of England and America; the poets, historians, essayists, and political writers of both countries were familiar society to him; and down to the last, he kept himself informed of all that was passing in the literary world of both hemispheres. The best new books and magazines were invariably to be found on his table. His intimate friends knew very well to what the literary excellence of all his arguments and speeches was owing; the elegant diction, the clear-cut, polished sentences, that seemed to flow from his lips without effort, —the eloquence which many attributed to the inspiration of

genius or the felicitous suggestion of the moment,—they well knew that the source from which this splendid result was derived was the habitual study, in quiet domestic hours, of the grand masterpieces of English literature. A lawyer discussing a chapter of constitutional history with the students of a law school might naturally be presumed to cite largely from treatises written by the recognised authorities on the subject. The lectures on the English constitution might, in the hands of another man, have overflowed with erudition and ponderous quotation from the old text writers. Mr. Storrs kept in view the intellectual needs of his youthful audience, and rendered them a far more valuable service than they were then capable of appreciating by referring them to the best historical authorities,—to Freeman, Thierry, Sir Edward Creasy, Mr. Walter Bagehot, and Guizot. The arrangement of his matter was at the same time admirable for its perspicuity. In terse, vigorous, crisp sentences, he laid before the young men a complete outline of the history of the English constitution, so clear and full and accurate that it well deserves to be adopted as a text book in American law schools, and is for the purposes of the American student vastly better than the chapters of Blackstone on the same subject.

The lectures were two in number, the first being delivered on the 12th of December, 1874, and the second on the 19th of the same month. The first was devoted to an account of the four great documents which form the basis of the modern English constitution,—the Great Charter, secured by the Barons from King John at Runnymede in 1215; the *Confirmatio Cartarum*, or confirmation of the Great Charter by Edward I. in Parliament in 1300; the Petition of Right, exhibited and addressed to Charles I. which received his assent in 1628; and the Bill of Rights, enacted by Parliament upon the accession of William III. in 1689. He gives a very full summary of the contents of each of these documents, quoting in full the principal clauses.

He had a remarkably happy way of making a modern application of a mouldy old doctrine, showing its eternal veracity and therefore durability. The class at the Chicago college were amused as well as edified when, after quoting the stipulation of Magna Charta, "Neither we nor our bailiffs shall seize any land or rent for any debt, so long as the chattels of the debtors are

sufficient to pay the debt," Mr. Storrs paused to observe—"In this particular, at least, the statutes of the State of Illinois have reversed Magna Charta." And again, after reading the provision, "We will not make any justices, sheriffs, constables, or bailiffs, but such as know the law of the realm, and mean duly to observe it," with indescribable drollery, and at the same time with singular aptitude, he contrasted that provision with the state of things in Chicago to day:

"Would to God that in this State, and in this city, the forty-fifth section of Magna Charta, which is more than six hundred and fifty years of age, was in force! As my topic may be considered somewhat dry and uninteresting, may I be excused for pausing one moment here, and considering what would become of multitudes of our justices, constables, sheriffs, or bailiffs, were the forty-fifth section of Magna Charta suddenly put in force in our midst? How many judicial mantles would fall, how many of our constables and bailiffs would be compelled to seek the retirement of a strictly private life! This single provision illustrates a most important fact,—namely, that many of the most important reforms which we call modern are simply the repeal of comparatively modern statutes, and a return to the old order of things."

In the second lecture, Mr. Storrs traced the origin and history of the three states of the realm, the Sovereign, the Lords, and the Commons, showing that the Kings of England did not reign by hereditary right, but that the monarchy was at first elective, and that at all times their power was subject to constitutional limitations, long anterior to the assertion of those limitations in Magna Charta. He quoted Freeman to the effect that Blackstone's theory of hereditary monarchy in England is a mere "lawyer's figment." Hereditary succession did not, in fact, become the practice until after the accession of Edward I.; and even after that, the right of parliament to settle the succession was repeatedly exercised. Mr. Storrs shows, in a few incisive paragraphs, how the prerogatives of the Crown, which had gradually been extended beyond their original constitutional limits, were pared down again by successive enactments until nothing now remains of them, the powers once exclusively wielded by the monarch being now exercised by Parliament. Mr. Storrs gives excellent reasons why this country could never have become monarchical, and concludes an admirable summary of the history of the English Parliament with the following words:

"The growth of the House of Commons has been the progress of the



English people, and every step forward which it has taken has been a step gained in the great cause of human freedom. We have seen how slowly, how painfully, have these advances been made. For seven hundred years have the English people been engaged in securing their rights, one by one. After long and wearisome delays, through bloody wars, at the cost of revolutions, have they finally achieved them to the extent which they now hold them. Their advocates and champions have perished on the field, in the dungeon, on the scaffold, and at the stake. But they have never wearied. As one champion has fallen, another has taken his place; for the desire for freedom is deathless and imperishable. By thousands have men willingly died that freedom might live, while but few will meet death for corner lots or bank accounts. These great principles of free government our fathers brought with them to this country, more than two hundred and fifty years ago."

These two lectures are so interesting to the historical student, so invaluable to the student of law, that they ought sometime be published in their entirety. They are of such high merit that no abridgment, nor any mere extracts, would do them justice, and to insert them in their proper order here would interrupt unduly the narrative of Mr. Storrs' career.

## CHAPTER XIX.

### MUNICIPAL REFORM.

ORGANIZATION OF THE "CITIZENS' ASSOCIATION OF CHICAGO"—MR. STORRS DRAFTS ITS CONSTITUTION—ITS OBJECTS—SUGGESTION OF SUBJECTS FOR LEGISLATION—ADVOCATES REORGANIZATION OF THE CITY GOVERNMENT UNDER THE GENERAL LAW—CHANGING VOTING PLACES FROM SALOONS TO OTHER QUARTERS—THE PROPOSITION TO DIVIDE THE COMMON COUNCIL INTO TWO HOUSES—CITY ELECTION ON THE CHARTER QUESTION—THE CITIZENS' ASSOCIATION AND MR. STORRS PART COMPANY—MR. STORRS IN CONTEMPT OF COURT FOR A LEGAL OPINION—HIS ARGUMENT IN DEFENCE OF HIMSELF AND HIS ASSOCIATES—THE "FANNING MILL" ORATOR.

AFTER the second great Chicago fire, in July 1874, a number of the leading business men of the city met together to consult as to the necessary municipal legislation for the prevention of such conflagrations in future, and the measures to be taken in aid of the ordinances to put the fire department and water supply of the city on an efficient footing. With this primary end in view, the "Citizens' Association of Chicago" was organized; but among those who saw a far wider field of useful operations before it was Mr. Storrs, who drew up a constitution for the new association embracing in its aims the whole question of city government. This was submitted to a meeting of citizens and by them adopted, and in a short time was signed by several hundred citizens of Chicago. A committee was appointed, consisting of Messrs L. B. Boomer, Emery A. Storrs, Thomas Hoyne, A. L. Chetlain, and John C. Dore, to set forth more in detail, for the information of the public, the purposes of the association; and their report was published on the 30th of July in the form of an address to the citizens of Chicago, written by Mr. Storrs.

"The machinery of our city government," it said, "is unnecessarily cumbersome and expensive. City legislation is crude, hasty, and consequently in many instances injudicious. Our fire department is imperfectly organized, inadequately supplied with water, lacks other facilities necessary for the extinguishment of fires, is defectively disciplined, and though composed of good material, is necessarily inefficient. The police department is composed of discordant elements, injuriously affecting the police force, and impairing its efficiency. Taxation is burdensome and oppressive; and, unless some means are speedily found to correct these and other evils, which certainly will not correct themselves, the credit and prosperity of the city must and will be seriously injured.

"The power to correct these evils rests with the citizens of Chicago. United action upon their part is all that is required to insure a wise and faithful administration of their public affairs. Believing that the public sentiment of our citizens is sound and healthy, and that, when properly organized and clearly expressed, it is controlling, it has been deemed advisable to adopt some means by which the Citizens of Chicago may meet together for the discussion of such questions of public interest as may from time to time arise, and devise and mature such measures as may be deemed necessary to promote the growth and welfare of the city, and to strengthen, develop, and protect the industrial, business, and property interests of its citizens."

The address then stated that the association was to be permanent in its character, have rooms furnished for its use, and hold regular meetings for discussion and action upon public questions.

"The best method of reorganising the fire department; the best method of reforming and correcting any abuses which may exist in the police department, or in any other department of the city government; the propriety of reorganising and reconstructing the entire framework of the city government,—these, and many other subjects, might be named as among those which will probably be brought at once before the association."

The association was to ignore partisan politics, and aim to excite such an interest in the good government of the city and to create such a public opinion as would secure the nomination and election of fit and proper men to the city offices, regardless of the political party to which they might belong.

"In consequence of the disinclination of business men to attend primary meetings, nominating conventions, and the polls, many of our city offices have been filled by unfit and improper men. It is hoped that through this association a more decided interest in these questions may be aroused; that good citizens of all parties may be led to see that, to secure good government, good men must be elected to office; and to accomplish this, attendance at primaries, at nominating conventions, and at the polls, is an indispensable duty, the performance of which no good citizen should avoid.

"Close and continued scrutiny of the official conduct of all persons con-

nected with the city government, and of all measures of an official character, affecting the interests of our citizens, is one of the prominent purposes of the association."

The address closed with an appeal to all good citizens to give the association their active co-operation. The association was organized with Mr. Franklin MacVeagh as its first president, and Mr. Storrs as its first secretary. Among other objects set forth in its constitution, a paragraph in the preamble stated that it would aim to "secure such legislation, both State and National, as the interests of the city may from time to time require." This was criticised by the *Chicago Times*, which contended that the general government could not legislate as to city affairs. But Mr. Storrs had much broader purposes in view for the new association than the majority of its members, or even the press contemplated as within its scope. That he had inserted this paragraph in its constitution for no visionary purpose, but that it was both practical in its aim and properly within the scope of such an association, he demonstrated in answer to the criticism of the *Times*. In a letter to Hon. Thomas Hoyne, July 27, 1874, enclosing printed copies of the constitution, he says:

"Suppose we desire to have other government buildings erected here. Suppose we desire larger appropriations for the completion of those already in progress; a petition to that effect was circulated this Spring. Suppose we desire to improve our river and harbor. Suppose that a reciprocity treaty with Canada would largely advance the interests of the city. Where, for all these purposes, would we go but to Congress, and what purposes would more legitimately fall within the range of such an association than these?

"Fair criticism is healthy. For one, I am glad to see it, for it will only develop how much of good such an association can, if it honestly makes the effort, accomplish."

The Executive Committee of the association appointed standing committees on fire affairs and finance. In notifying the former of their appointment, Mr. Storrs, as secretary, stated their duties to be to report in writing concerning a fire ordinance submitted to the Common Council regulating the erection and occupation of buildings, as to the sufficiency of the water supply, and as to the fire department and its apparatus. The association was now fully organized; and Mr. Storrs' professional business requiring all his attention, he resigned, and a salaried secretary was appointed.

He still continued, however, to give the association the benefit of his counsel and assistance. He put the report of the fire committee in shape, received donations of books, pamphlets, and maps for the use of the association, and from time to time addressed letters to its president and other members, full of valuable suggestion. One of the earliest of these was that the constitution of the association should be enlarged so as to extend the qualification for membership to residents, taxpayers, and voters in the whole county, instead of limiting it to the city. "Some of our very best business men," he said, "are not residents of the city; and, as we take cognizance of county as well as city affairs, it seems proper that our membership should be extended." This broad and liberal suggestion was not acted upon, but on the contrary, after Mr. Storrs and the association parted company, its membership took the form of a property owners' club, with an admission fee of ten dollars a year.

Three other letters, here given, will show how thoughtfully Mr. Storrs had considered the uses which such an association might serve for the good of the entire community:

"September 7, 1874.

"FRANKLIN MAC VEAGH, ESQ.

"DEAR SIR:—In the State of New York there is a statute authorizing any citizen, upon petition to the Judge of any court of record embracing charges of official misconduct against a person in office, to demand an investigation. The petitioner is required to give bonds to pay all costs and charges attending the examination and investigation, should there be a failure to sustain the charges. The party charged is subject to removal from office in the event the petition is sustained. It is believed that such a statute would be of great service in this State. I would also suggest that the limitation for prosecution of cases of bribery, etc., is too short; that it should be made three years. Would it not be well to refer both these topics to the committee on State legislation for examination? They would have ample time to hunt up all the legislation in other States on the first point, particularly, and gather such information as to the practical working of the law as might be desirable. That committee could then frame their bill, and be ready to present a full report at the opening of the next session.

"Yours, &c.,

"EMERY A. STORRS."

"December 4, 1874.

"FRANKLIN MACVEAGH, ESQ.

. . . "Now for one more suggestion. As the law now stands, whenever a bill in chancery is filed to reach real estate in the hands of an



alleged fraudulent vendee or purchaser, such bill is a lien upon the property immediately upon service of process. Although the records might show a complete and perfect title in such vendee, a purchaser from him subsequent to the commencement of such chancery suit would take the property subject to all the rights of the complainant asserted in the bill.

The record of title would not show the suit pending, nor would any one examining the title look for it. The remedy is easy. A book should be provided for the Recorder's office called the '*Lis pendens* book,' in which the titles of all such cases should be entered, together with the description of the property sought to be reached, and the general nature of the claim made against it; the bill to be a lien upon the property against all subsequent purchasers only from the time of the record made in the '*Lis pendens* book.' That book, in searching titles, would then be examined as much as mortgages. This is no new idea. The practice has prevailed in the State of New York ever since 1850, and it ought to prevail here. Suppose you think of this.

Yours very truly,

EMERY A. STORRS."

"December 7, 1874.

"FRIEND BOOMER,

"I suggest the following as matters for State legislation:

"1. Extending period of limitation in bribery cases. This already is referred.

"2. Authorising preferring charges against officials. Already referred.

"3. Amendments to general law for incorporating cities and villages.

"4. Giving Governor power to remove Mayor for cause shown. This is in harmony with the New York statute.

"5. To provide for recording chancery suits which seek to affect title to real estate. Mr. MacVeagh understands what this is.

"6. Legislation with reference to funds in the hands of city or county officials. The Gage case would seem to show the necessity for some legislation of this character.

"7. To restore to Judges of the Supreme Court power to grant writs of *habeas corpus* in vacation. This is very important. My attention was recently called to it by Judge McAllister.

"Yours truly,

"STORRS."

In a series of letters to Mr. L. B. Boomer, during the month of October 1874, he advocated petitioning the City Council to call an election to determine the question whether the old city charter should be abandoned, and the city government reorganized under the general law. To this end he advised that a committee of the Citizens' Association should prepare and circulate petitions for signature by the voters of the city. At Mr. Boomer's request, he prepared a form of petition, and in the letter enclosing it to him, October 5th, Mr. Storrs said:

"I think it would be well to get copies of the poll lists, and perhaps to get them printed, but the circulation of the petition need not be postponed for that. As I have often said to you, this step is an indispensable preliminary. All hands are agreed that we should reorganize under the general law. How we shall reorganize, and what changes are to be made, should undoubtedly be referred to the standing committee on municipal organization. I have no doubt but that committee will recommend action under the general law; indeed, there is no other practicable course. Mere patchwork won't help us. There must be a complete overhauling.

"Would it not be well also to refer the equalization law, as applied to Chicago, to the committee on taxation, or perhaps State legislation, to report as to the advisability of contesting it in the courts?"

Copies of the petition were printed, and placed in the hands of responsible gentlemen for circulation to secure signatures. In a short time 15,000 signatures were obtained, but the Council refused to grant its prayer. In a letter to the editor of the *Times*, Mr. Storrs thus commented on their action:

"The genuineness of the signatures can easily be shown. Each party circulating a petition was required upon its return to mark it so that he could recognize it, and be able to make his affidavit that all the signatures were appended by the signers, or under their direction. These affidavits affixed to the petition would settle the question as to the genuineness of the signatures. Alderman Cullerton undertook to say that all the petitions had fictitious signatures. He knows that this is not true. The petition which I circulated is headed with the name of Potter Palmer and closed with my own. I saw every party sign; and this is true of nearly all the petitions."

In another letter to Mr. Boomer, October 23d, Mr. Storrs suggests a reform which he had very much at heart, and which has only since his death been in a measure accomplished under the new election law:

"You will remember that at quite an early day in the history of the Citizens' Association of Chicago, we had up the subject of making some move to transfer the voting places from saloons and drinking places to some different quarters. The election is now near at hand, and the time for action, if any is to be had, has arrived. Would it not be well for your committee to make this request to the County Commissioners at once? I have been called upon by Miss Frances E. Willard on this subject, and she will undertake to see that other places are furnished for each precinct, situated as conveniently as the case can require."

For several months after the petition was presented and refused, the association was at work perfecting a new city charter and getting it passed through the Legislature. On the 30th October, Mr. Storrs prepared a short statement of the benefits to

be gained from a reorganization under the general law, for the columns of the *Times*, as follows:

"THE ECONOMY OF REORGANIZATION.

"Under our present complex and horribly confused system of collecting taxes, the actual expenses of collecting the city taxes for the year 1872 were \$87,416.99. This is exclusive of the large sums paid for the rent of offices occupied by useless and worse than useless officials, and the very large expenses of the legal department engaged in what so often proves an utterly abortive attempt to enforce the collection and payment of these taxes.

"Moreover, since 1869 there has been actually lost of the taxes levied and assessed under this clumsy, complicated, and wretchedly inefficient system the sum of \$2,500,000.

"These enormous expenses and losses could all be avoided under a system having one head. In reorganizing the city government under the general law, all this machinery can be swept away. City taxes can be certified to the county clerk, and extended and collected as are the State and county taxes. The countless barnacles who would be swept out of their places by the new system will doubtless object to a reorganization under the general law, on the ground of the expense attending an election; but the tax payers of Chicago, who have been plundered for years, will be quite certain to seize hold of any opportunity to relieve themselves of the burdens which they have so long and so patiently borne."

During the agitation of this question, a proposition was made to constitute the city council in two chambers, analogous to the upper and lower houses of our National and State legislatures. In a letter to the editor of the *Times*, Mr. Storrs discusses this proposition in his own inimitable way:

"December 11, 1874.

"Friend Matteson,

"I see you have a little discussion on your hands with Mr. Galloway with reference to the infernal nonsense of two houses. I have recently learned that Messrs. Hesing and Raster have both made propositions for a suggestion to some of the committee to let up on the petition for reorganizing, and in some way to get a bill through this winter, providing for two houses, the upper house to be made up of the representatives of taxpayers. I am not aware that this suggestion has been received with any favor, and presume that it has not. But there seems to be a growing feeling in some quarters that tax-paying, or rather the ownership and possession of something upon which taxes can be imposed, comprises 'the whole duty of man.' I am constrained to think that there are very many persons outside this charmed circle who have immortal souls, and can take and are disposed to take quite as unselfish and intelligent a view of our real public needs as those inside. At all events, a second house elected by and representing a particular class would be an abomination. Between it and

the more popular body there would be continual jealousies and warfare; neither would aid, but each would cripple, the other.

"If it be proposed to select better men for the upper house, the only result would be to secure poorer ones for the lower; so that the *average badness* would be faithfully preserved."

In another letter to the same gentleman he says:

"I send you herewith the January number (1875) of the *North American Review*. Begin at page 166, and read ahead; and if you don't come to the conclusion that history repeats itself, I will confess my mistake. Observe how the Citizens' Association of New York City was captured, page 169. That charter was even better than the one proposed for us. In the Tweed charter the Mayor did not have the appointment of the comptroller or the corporation counsel. But read and be edified; and then decide whether, after all, virtue is not a matter of geography."

In the spring of 1875, the relations between Mr. Storrs and some of the leading members of the Citizens' Association became considerably strained in consequence of his perceiving one line of professional duty in connection with an election question on which he was professionally consulted, and they conceiving that out of loyalty to them and to the Association he should have construed the law in the opposite way. The Common Council had appointed April 23, 1875, as the day on which the question of the reorganization of the city government should be submitted to a vote of the people. The election was characterized by the most shameless frauds; wholesale ballot-box stuffing was resorted to, and though it was claimed that the charter of 1872 was defeated by three votes to one, the result of the count was to give the friends of that charter a majority.

The business men who were at the head of the Citizens' Association were naturally indignant on finding that all their labor in preparing and circulating petitions, and in securing votes for reorganization, had been apparently thrown away, through the trickery of politicians interested in the perpetuation of the old system. Some aspiring young lawyers had lately become members of the association, with a keen scent for prospective business; they all dreaded and disliked Mr. Storrs, because he was so much their superior both in native gifts and legal learning that they showed like pigmies beside him, saw him dominating councils in which they were mere ciphers, and carrying propositions while they could only sit by and gnash their teeth in sheepish silence. These young lawyers advised their lay brethren of the association

to sue out an injunction to restrain the aldermen from counting the votes. This rash advice was followed, and Judge Williams, of the Circuit Court, issued the injunction. The aldermen called for the advice of the corporation counsel, Judge Dickey, afterwards one of the Justices of the Supreme Court of the State of Illinois. Judge Dickey engaged Mr. Storrs for consultation, with the authority of the City Council; and after a careful consideration of the statute, they both agreed that the statute was mandatory, leaving the aldermen no discretion in the matter. The statute declares that the Council "shall" proceed to count the votes. Judge Dickey and Mr. Storrs therefore concurred in advising the aldermen to disregard the writ of injunction, inasmuch as it was in their opinion illegal and therefore void, and to go on and count the votes in obedience to the statute. Mr. MacVeagh and his colleagues of the association could not understand that in giving this opinion Mr. Storrs was simply performing a professional duty. They regarded his course as treason to the association of which he was a member, and had been one of the founders. From that time forth he and they went separate ways, and the record books of the association were so written up that to-day they contain no mention of Mr. Storrs' name, no recognition of his services. The aldermen did proceed to count the votes, and declared a result which exasperated the association still more. Acting on the advice of the young lawyers already mentioned, they obtained from Judge Williams a rule upon Judge Dickey, Mr. Storrs, and the aldermen to show cause why they should not be punished for contempt, the latter for disobeying his writ, and the two former for counselling such disobedience. When the case came on for hearing, the dingy little room in the old "rookery" in which Judge Williams held his court was crowded almost to suffocation. On both sides several counsel had been retained, who spoke at great length, Mr. Storrs closing for the defence, and Judge C. B. Lawrence, a former Justice of the Illinois Supreme Court, making the final argument in reply to him for the prosecution. Mr. Pence, then a young and comparatively unknown member of the Chicago bar, had delivered what one of the city papers called "a flowery oration on the majesty of the law," demanding that each alderman be sent to jail for six months and fined a thousand dollars, while he fixed a



much higher punishment as the just desert of the presumptuous counsel who had given them such bad advice. Mr. Storrs' reply was reported as follows:

"I am free to confess I should have been exceedingly gratified to have been given the privilege of a little lapse of time after the close of the remarkable harangue to which your honor, ourselves, and the audience have listened. Its effect upon me—not perhaps so much upon my mind as upon my nerves—is quite inexplicable. [Laughter.] How to answer it, for that seems to be the duty which has been assigned to me, imposes an obligation to me probably the most serious, the most difficult at all events, that I have ever undertaken to perform. For where there has been so much fancy mixed up with the facts, and so large an amount of what is absolutely dull and prosaic stirred in with the fancy, it is extremely difficult to separate these incongruous elements from each other, and to tell where the fancy begins and the facts leave off. [Laughter.] It is like requiring a man to answer a loud noise. [Renewed laughter.] It is like requiring me to reply deliberately to a gong. [Laughter.] There are various styles of oratory, if your honor please. There are various styles of literary composition. There are various styles of architecture; and a very excellent old lady in this city, several years since, in looking at the old spotted Presbyterian church, down here, declared it was the finest specimen of 'cathartic' architecture she had ever seen. [Loud laughter.] I have been bothered in my mind as to the kind of oratory to which we have just been listening, but I accept our good old lady's definition; and judging of it from its effects on the system, I should say it was one of the best specimens of 'cathartic' oratory that I have ever heard. [Universal laughter in the court-room.] Possibly I am incorrect about that. I have listened, when I was a boy, to fanning-mills as they were kept safely housed in the barn, and as we turned the crank, I remember how much noisier the fanning-mill was when it was empty, than when it was full. [Laughter.] Now, would you require me to reply to a fanning-mill? I am expected to reply to one. [More laughter.] Worse than a fanning-mill, because there was nothing that issued from that harmless machine, the representative of agricultural industry, that was not absolutely innoxious unless the hens had gathered about it. [Loud laughter.] But from this machine that has been running here for the last two hours, there has been a good deal of insolent criticism; a good deal of foul talk; a good deal of ungenerous and indecent commentary; a good deal of what is absolutely untrue.

"I had hoped, your honor, that this case might be tried fairly. I could see nothing in it when the argument began, nor could I see anything in it when the rule was served and these proceedings were inaugurated, that ought to take it out of the ordinary range of judicial controversy. The question which this record presents, and the argument which this rule necessarily involves, are not personal questions. They are questions of law; not, indeed, unmixed with public considerations, but they are known, after all, as questions of law; and if there is any point to which a lawyer

should industriously strive, if there is any goal which the bench ought industriously to seek to achieve, it is, in the discussion and determination of legal questions, to throw over our shoulders, as completely as we would a garment for which we had no use, every element of personal feeling, and to pluck from our hearts and drive from our judgments every element of passion, or prejudice, or bias which by any earthly possibility might find lodgment there. If this was to be regarded as in any sense a personal question, it would have been in order for myself, and for my associates who have addressed, and who will hereafter address your honor, to make some observations with reference to the personal relations which have for many years past subsisted between us. But it has seemed to me so utterly impersonal, that observations of that character appeared to me to be hardly in order. If they were, no one would seize the opportunity with greater pleasure than myself to say to your honor that from the earliest period when I commenced the practice of law in this city down to to-day, I have never received at the hands of the distinguished judge who presides here to-day anything except the politest and kindest attentions, for which I have ever been duly grateful; and they have been and always will be among the pleasantest recollections of a professional life, otherwise somewhat stony and somewhat dusty, as we all find it in this career which we have pursued.

"I am glad for the present—I shall have occasion to recur to it again—to get out of this foul atmosphere of personal vituperation and attack. I shall content myself with saying, that the defendants in this case are lawyers, myself among the number, and twenty-two aldermen of this city. The reputations of these gentlemen are not involved here. They would not shirk the discussion of these questions if they were involved. Their degree, of culture, to which some reference has been made, is not involved here. May I ask where the learned counsel who has just addressed the court got his credentials to talk to anybody about culture? [Laughter.] In what school of culture has he been reared? From what school of culture did he graduate? What diploma does he hold, that justifies him in assailing twenty-two of the representatives of this city on the ground of culture? If your honor please, there is nothing so insolent in this world as the insolence of pinch-beck and Peter-Funk culture; sham culture; paraded culture; boasted culture; culture that comes by sitting on a book, or leaning against a college wall; [Laughter]—the culture of observation merely, that comes in by pressure, and goes out by perspiration. [Loud laughter.]

"After some further remarks on the law of the case, Mr. Storrs stated that he was much fatigued on account of late and unavoidable labor the night previous, and he would esteem it a favor if the court would adjourn and allow him to resume in the morning. The court then adjourned to ten A. M."

By way of introduction to its report of the proceedings on the following day, a local paper said:

"The fact that Mr. Storrs was to continue his argument in the contempt case, filled the court-room to overflowing yesterday

morning. His address did not partake so much of the humorous as was expected. It was a clear, masterly effort, and dealt with the legal points involved with great force. Every one appeared carried away with the arguments. Mr. Storrs' gift of repartee showed itself frequently. Indeed, the audience kept hoping for interruptions, in order that the distinguished counsel might have an opportunity for saying a smart thing. When he concluded, Messrs. Goudy and Tuley intimated that the ground had been so completely covered that they would waive their right to address the court—a great compliment to their colleague, but one which he richly deserved."

When the court opened at ten o'clock, Mr. Storrs continued his argument for the defendants.

"He could not but express his obligations, he said, to the Court for the kindness extended to him the previous evening, which he would endeavor to repay by as rapid a presentation of the points he proposed to discuss as was consistent with what he deemed to be his duty with reference to the interests of his clients and himself. He thought he had closed that branch of the case which involved the point as to the waiver of contempt. He thought he had demonstrated from the authorities that when an order had emanated from the court of chancery and had been disobeyed, any step taken by the complainants in the bill was a waiver of the right to insist on any penalty for such disobedience. He had undertaken to demonstrate that this rule rested upon solid foundations of reason, that it was not confined merely to cases where the party was in contempt for having refused to answer, but that the law had been expressly declared that the same rule referred to the disobedience of any order issued by a court of chancery. The various authorities to which he had referred covered every ground which human ingenuity could possibly conceive of as constituting a waiver of the alleged contempt, and that this case embraced not only one of the cases which had been referred to in the authorities, but it involved every step which could possibly be taken by complainants, even down to the practical dismissal of the bill and abandonment of the case itself. The supplemental bill, which was but a prop to the original one, and which went back and stated facts intended to support the averments of the original bill, which asked for a new injunction of the same character as that prayed for in the original bill, which was filed by the same complainants and against the same defendants in the original bill, which was voluntarily dismissed. It was an incorrect statement of the fact to say that all the effects sought to be derived from the injunction were destroyed by its disobedience, for the injunction was not only to restrain the Common Council from canvassing the votes and declaring the result, but from taking any steps by which the legality of that election should be recognized, by which the re-incorporation of the city, under the act of 1872, could be construed

as adopted in any way. Such an injunction was prayed for by the original bill, and it was to continue such injunction that arguments, extending over two days, were made, and if it was true that all the purposes sought by the original bill were destroyed by its disobedience, it was curious complainants had not discovered that fact earlier and saved the time of the court.

"The discussion of the question of jurisdiction involved two considerations; whether the court had jurisdiction of the subject matter of the bill, and whether the court had the power to issue the writ. There was no necessity for citing authorities in support of the proposition that an injunction improperly or irregularly granted must be obeyed. They all conceded that. The point which they made, however, was that where a process emanates from a court having no jurisdiction over the subject-matter of the suit, or if such jurisdiction was not jurisdictional power to issue the process, then the process was an entire nullity, and exacted obedience from no one, and a refusal to comply with its mandates could not by any possibility be construed into contempt. As to whether the court had jurisdiction over the subject-matter, two questions were presented: First, what was the relief prayed for in the bill, and second, upon what statement of facts is that relief prayed? If the court could not in any event grant the relief, it was because it lacked the power: in other words, had no jurisdiction over the subject-matter. His Honor was asked to intervene and prevent the action of a political body in canvassing returns, in the making of which they had no hand, and declaring the result. In answer to these questions, they said that the bill averred no irreparable injury from the canvassing and declaring the result; no such averment could in any earthly possibility be true if made, because the evil which might result could be relieved by one of two modes—by *quo warranto* or by contesting the election. And he suggested further that while all evils of machinery or otherwise that might flow from canvassing the result might thus be corrected, that by the act of 1872 no single power was conferred upon the council in addition to that which it already possessed under the old charter. Secondly, they claimed that not only this bill did not aver the existence of any irreparable injury, but that no bill could be framed in which such a statement could be truthfully made, and if any bill could be possibly framed to secure the relief prayed for, complainants were without remedy at law. Thirdly, the duty of canvassing the votes and declaring the result was imposed on defendants by law, and they were bound to perform it. On the point of the general jurisdiction of a court of equity counsel on the other side had traveled somewhat into history and referred his Honor to the celebrated case of Lord Holt, as exhibiting the distinguished heroism of a great judge in resisting the assumptions of the British House of Commons. History was useful; it was philosophy teaching by example; but distorted and misstated history was a kind of culture which neither the counsel nor the other defendants in the case possessed. Mr. Pence stated that the case to which he referred was a contested election case. It was nothing of the kind. A chancery question could never have come before Lord Holt, for



he was not Lord Chancellor but Lord Chief Justice, who presided in the courts of law, and had no more power over chancery cases than a British barber or a British sergeant. Politics ran high in Great Britain at that time. The parties were the Whigs and the Tories. The case to which reference was made was the Ashley case, which was by no means a contested election case. They were in the habit, in those rotten boroughs, of making corrupt and fraudulent returns, and one of the most corrupt returns was made from Aylesbury. Parties who suffered therefrom, knew it was vain to petition the House of Commons, and it was resolved to bring action in the Court of King's Bench, against the returning officer. Ashley clearly made out his case, and recovered his verdict with large damages. It was an action brought by a private citizen against an officer, to recover damages for illegally refusing to receive his vote. He could but wonder at that amazing ingenuity, at that remarkable draught power which could pull a case of that character out of its legitimate niche in the history of jurisprudence, and try to fit it in a place where it never was intended to belong.

"Judge Lawrence (interposing) said it might not be very important, but he did think that was not a perfectly fair statement of his colleague's position. Mr. Pence spoke of that case as a case growing out of an election, and where the privileges of the House of Commons on the one side and the power of court on the other were the questions involved; and as showing the anxiety of the courts of England to maintain their judicial authority against the interference of the House of Commons. He did not speak of it as a bill in chancery, or as having a direct bearing in its legal principles on the question now in dispute.

"Mr. Storrs—'I have two replies to make to that, first on the fact and next on the inference. Mr. Pence did, in express language, refer to the case as a contested election case, in which the House of Commons was involved, explicitly and unmistakably.'

"Mr. Pence—'I said it was a contest growing out of an election.'

"Mr Storrs—'I think not. Whether it has any relevancy to the issue here is a matter for Mr. Pence to settle, and not for myself. My objection to it upon that ground did not refer merely to that authority; it is chronic with all the cases which counsel has cited, and applies to them all as well.'

"Mr Storrs said he would leave history and general literature and proceed to the next authority cited by Mr. Pence, as illustrating the general jurisdiction of courts of equity over cases of that character. (*Kerr vs. Draco.*) After exhausting this, knocking the ground completely from under the feet of complainants, he went on to consider the cases in which injunctions had been issued by courts of chancery, showing that in every instance mere property rights were involved. Under the plain mandate of the statute the Council might have been compelled by mandamus to canvass the returns, and the Clerk compelled to record the result; and he challenged counsel to produce a single case so monstrous in its character, where a court of equity could restrain a Common Council from doing that which the highest judicial power in the State would intervene to compel them to do.



Suppose they had undertaken to avoid the performance of this duty on the ground that illegal votes were cast, the reply of the Supreme Court would have been: 'You are not the judge of that; it is your duty to canvass;' and a demurrer to the return would have been sustained. It was insisted there had been no election. In the bill, however, these words appeared: 'Your orators further show that an election was held in the city of Chicago, in conformity with such resolution,' etc. The emergencies of the case seemed to demand now that they should come up in court and insist no election was held. Besides, they had filed petitions in every court in the city, averring that an election was held and undertaking to contest its validity. The dilemma in which complainants were placed was this: They insisted his Honor had jurisdiction over the bill on the ground, first, that the election was void, and, next, that it was illegal, because of the casting of fraudulent votes. They could be taken upon either horn of the dilemma. If void, *quo warranto* was the legal remedy; if fraudulent, the election could be contested. The law was to be obeyed by the Common Council, notwithstanding a mandate of the court to the contrary.

"The Court—'Do you mean to state that as a universal principle?'

"Mr. Storrs—'Yes, sir; to which there is no exception. That, where there is a conflict between the plain mandate of the law and the mandate of a judge the law must be obeyed.'

"The Court—'Supposing there is no law?'

"Mr. Storrs—'Then there would be no judge.' [Laughter.]

"The Court—'Supposing the pretended law had never been adopted?'

"Mr. Storrs—'Then settle that question by *quo warranto*.'

"The Court—'I simply wanted to get your opinion.'

"Mr. Storrs—'I have conferred a lasting benefit on these gentlemen, and have received no pay for it. [Laughter.] I stated on a former occasion that the bill ought to have been entitled, 'A bill in search of information, as to the mode of contesting an election.' [Renewed laughter.]

"Judge Lawrence—'We will have to pass a vote of thanks, any way.'

"Mr. Storrs, after quoting several opinions, held that the writ of injunction was void, and a party could not disobey a void writ. The whole logic of the entire controversy was crystallized in that single phrase—a party could not disobey a void writ. The functions of courts were to preserve rights and prevent wrongs, and they had no right to interpose to prevent the discharge of a clearly imposed duty. If courts reached that measure of power and proposed to exercise it anarchy had been reached, and they had infinitely better go back to the old barefooted condition of Hercules with his club, so eloquently referred to by Mr. Pence, when the weak children were slaughtered, and none but the strong were allowed to live. Take the Forty-eighth Illinois, which tore the question of jurisdiction, on the ground of the election being void, up by the roots; add to it the two cases from the Sixty-first and Sixty-second Illinois, which wiped out the pretense that a court of equity could intervene to prevent public officers performing a duty, and the discussion might rest and the case close. Mr. Storrs then cited the law imposing the duty of canvassing on the Council,

in order to show its peremptory nature. He continued: The law said to the City Council, 'You shall canvass and you shall cause to be recorded.' But then came the writ of injunction and said: 'You shall not.' Doubtfully, inquiringly the Council considered which should be obeyed. Should it be the law, with all its poetic thunder, or should it be the court, who carried the keys of the county jail? There was no question; these two directions were absolutely irreconcilable. There was no earthly way in which the Council could effect a compromise. If they obeyed the court they disobeyed the law, and, if they obeyed the law they disobeyed the court: There was no middle ground, and they disobeyed the court; and in doing that did they violate or perform their duty? The Sixty-first Illinois provided that the court as well as inferior officers must be governed by law, and that when the law imposed a duty upon a public functionary, and the court commanded him not to perform it, he must obey the law and disobey the writ of the court. They bowed before the majesty of the law, as represented by the highest tribunal of the State, and in doing that they respected this court in an infinitely higher degree than if they had shirked the performance of their duty. No human ingenuity could suggest a case where a court of equity had interfered to restrain the performance of a legal act. He hoped that day would never come when, falling from their high position, from passion, prejudice, or haste, any judicial tribunal should undertake to do that. Much had been said of the dreadful examples, flowing from the disobedience of judicial orders. He was impressed quite as clearly as the distinguished counsel for complainants could be with the supreme importance of obeying all judicial mandates, but the dangers which threatened us did not proceed from violations of injunctions. That offence when committed could be subjected to swift, severe, and condign punishment. But if there was any danger which especially threatened private and public rights, it was from the extension of this power of issuing writs of injunction; if there was any danger, to the extension and enlargement of which wise men looked with apprehension, it was the growing tendency of courts to interfere by the exercise of this great power. Mr. Pence said the courts were clothed with sovereign power; but his Honor never claimed that, and never would. There was no sovereignty in a court; there never was, and never would be. There was no danger to be apprehended from void writs. They had only to travel down to the sea coast, to the city of New York, where they could see by example where the danger lay; where the air was black on every occasion of panic or great political excitement with mandatory writs; where the practice had been carried to the beautiful extent of one judge enjoining another, and then a third judge enjoining the other two; [laughter] where injunctions were part of the machinery of commerce; where stock-brokers had writs of injunction to carry on their business, and deem them as necessary parts of their furniture as their tables and chairs; where politicians carry elections, secure offices, prevent defeat, and overcome calamities by the convenient process of injunction. But we were not driven to such straits, and it was to the glory and credit of the judiciary of this city that in no case to his knowledge had an

injunction been issued where its issue was attributed to improper motives on the part of the Judge. Judges had erred here, but the errors had been errors of judgment, which the courts themselves had been the first to seize the opportunity to correct. There could be no doubt the Council had the right to pass upon the question of the legality of the writ. They had to determine for themselves whether his Honor had jurisdiction or not. They took the risk of deciding correctly. If they decided that his Honor had no jurisdiction, and it turned out that they agreed with his Honor, certainly those poor defendants could not be punished for deciding a legal question correctly. They rested their case on the ground that the writ was void, and that the court had no jurisdiction over the subject-matter, and for these grounds he trusted his Honor would retrace the steps which had so far been taken; to presume otherwise, to wish otherwise, to presume that an erroneous course would for any cause be persisted in, was an insult to and contempt of the court which neither of the defendants answering this rule purposed to be guilty of. The answers of the Aldermen had been accepted as true; they were true. He would not pause here to characterize the unmanly and indecent assault that had been made upon them. Those gentlemen needed no vindication at his hands. Counsel (Mr. Pence) could have but very little respect for the court, for the protection of whose dignity he seemed to be so anxious, who would violate every rule of private decency and professional decorum to travel far out of the boundaries of the record to denounce his superiors as perjurers and falsifiers. Nothing had occurred during the proceedings to justify that assault upon the Council of this city. If the Mayor was guilty of any wrong, and if he assisted and urged the violation of the injunction, why not come manfully forward and make him a defendant, instead of taking advantage of counsel's privilege to administer a cowardly insult. It was curious that from the beginning to the end this case seemed to be absolutely leprous-spotted all over with circumstances of suspicion. He believed that this bill, or its original conceiver, was conceived in iniquity. Pretending to desire honest contest of election and fair investigation they filed a bill which asked that the government of the city should be suspended in mid air, and that the result of the election should never be reached or declared. The contents of papers had not been fairly stated; and, finally, whether owing to the surroundings or some other cause, counsel had dared to suggest to his Honor the measure of punishment which should be inflicted—six months in jail, and \$1,000 fine each would only satisfy his royal pleasure.

“Upon what meat doth this our Cæsar feed  
That he has grown so great?”

“Talk about contempt of court when counsel would endeavor to thrust himself into the judicial seat and dictate the terms of punishment and its measure! The answers defendants made were manly and truthful answers. They had stated that they meant no personal disrespect to the court. The answer was conclusive and his Honor believed it. Were

they to bandy words of apology and explanation? They would respect their own personal dignity and the dignity of the court, but beyond that pale they did not propose one single step to tread. With regard to himself and colleagues he hardly knew what to say. By the plain mandate of the law the Corporation Counsel was obliged to give his opinion whenever asked by the city. Should he shirk the performance of that duty? And, if he gave that opinion, how should he give it? Give it as the Citizens' Association would like; give it as it might be agreeable to his Honor; or give it as his opinion really was? What was their position? They were counselors of this court, members of a high, noble profession—a free, liberal-spirited, and proud profession. On them the most solemn duties devolved. It was their duty, whenever their opinion was solicited by their clients, to give their opinion, and to give the opinion which they entertained. Whatever other sins might be laid at his door, he would pluck his heart from his bosom before, when called upon for the performance of a duty of that character, he would shirk one single particle from its performance, even if the terrors of all the judges that had ever sat on the thrones of the highest judicial benches were flaunted in his face. The dignity of the courts ought to be respected, but in parallel lines with that dignity ran the dignity of the profession. They asked no favors. They said this, and his Honor quite well understood it, in no spirit of bravado. They accepted no mercy tendered to them by the counsel. They placed themselves upon the broad platform of their rights; it was a foundation strong as the eternal rocks, and, standing there, all the gates of hell should not prevail against them."

Judge Williams, of course, upheld his own writ, and fined the Aldermen \$100 each and the Corporation Counsel and his associates \$300 each for disobeying it. The case was appealed to the Supreme Court, who, equally of course, reversed Judge Williams' decision. So ended a farce in which the Citizens' Association and their then inexperienced legal advisers only covered themselves with deserved ridicule. But the bitter feeling it occasioned on the part of many of its prominent commercial members against Mr. Storrs never was and never has been allayed; and it accounts for many of the dastardly attacks upon Mr. Storrs' reputation and memory which were covertly made in Chicago circles in his lifetime, and have not ceased with his sudden and untimely death. From that time on, Mr. Storrs and the Citizens' Association "walked no more together." By the petulance of its business element, and the intrigues of its legal element, it lost the ablest counsellor and brightest member it ever had; and the result is well marked in its subsequent history as the association has done nothing of any practical value.

## CHAPTER XX.

### PRACTICAL TEMPERANCE LEGISLATION.

THE DRINKING HABIT NOT UNCOMMON AMONG THE EARLY SETTLERS OF CHICAGO—A CHANGE AFTER THE FIRE OF 1871—MR. STORRS BECOMES AN ABSTAINER AND AN APOSTLE—WHAT THE "TIMES" THOUGHT OF HIS CONVERSION—TWO TEMPERANCE SPEECHES—CORRESPONDENCE ON PROHIBITION—HE BECOMES ONE OF THE FOUNDERS OF THE CITIZENS' LEAGUE FOR THE SUPPRESSION OF THE SALE OF LIQUOR TO MINORS—APOSTROPHE TO WATER.

IN the early days, when Mr. Storrs first came to Chicago, the drinking habit was not looked upon by any very influential class with such disfavor as it is universally regarded with to-day. The efforts of temperance men and women were attended with a measure of success which discouraged many of them, and the more zealous advocates of the cause began to be impatient of the slow results of moral suasion. Those were the days when even the President's New Year receptions were attended and followed with convivialities often carried beyond the bounds of decorum; when it was no uncommon sight to see an intoxicated member of Congress upon the floor during its sessions, or an eminent lawyer undertaking to try a case in court while visibly under the influence of liquor; when New Year calls, even among the "best people," frequently resulted in the popular man of society who had an extended list of acquaintances getting oblivious before night, and waking to repentance next morning. Chicago had not yet outgrown village customs. Its populace were pioneers, whose enterprise was drawing after them the greater part of that band of immigrants from the old world who had started with the vague notion that America was the land of prosperity, but whose ideas of American geography were hazy,—



Chicago not having as yet found a place on European maps. They brought with them, of course, the notions of individual freedom and the social customs of the countries from whence they came. It may well be imagined that there was little conventionality about the early settlers of Chicago, and that its select society was not numerous. The members of its infant Board of Trade,—whose gigantic progress Mr. Storrs recapitulated in an exhaustive speech at the opening of their magnificent new hall in April 1885,—were pretty generally drinking men; and in fact there was no strong and decided sentiment on the question in Chicago until after the fire of 1871. That, in more senses than one, was indeed a fire of purification.

Mr. Storrs was a keen observer, an acute judge of men. He quickly saw that the times had changed; that merchants were inquiring more strictly into the habits of their clerks, and that business men were beginning to look askance even at a brilliant barrister who had been seen in a bar room. He determined for himself to abandon altogether the use of intoxicating beverages in any form. That he did so from purely prudential motives, and as a measure of business necessity, while not entitling him to rank high among the apostles of the temperance cause, is nevertheless creditable to his sound judgment and firm will. At no time of his life did he indulge in the use of intoxicants to such an extent as to rank among the grovelling victims of Circe's cup. In this as in other things, he preserved his self-respect, and demeaned himself like a gentleman. But he saw that under the new business arrangements of the reconstructed city, a reputation for drinking was sufficient to ruin the ablest man who had to depend upon his brains for a living, and, without any parade, he became an abstainer.

Earnest in all his convictions, Mr. Storrs had in him the spirit of a missionary. Had he not been so able and successful a lawyer, he would undoubtedly have been a famous journalist; with his earnestness and resolute energy in proclaiming his convictions, he could, had his inclinations tended that way, have been a leading presbyter of the church in which he was reared. He at once lent his powerful eloquence to the service of the temperance cause which he had espoused. That the temperance men and women of Illinois were glad and proud to hail such a coadjutor,

"goes without saying." In June, 1874, Mr. Storrs addressed a large and enthusiastic meeting in the First Baptist Church, Chicago, and the *Times* headed its report with lines which were significant of the importance attached to his adhesion to the cause of temperance reform. The headlines were:—"Rum Must Succumb. Its Doom was Sealed when E. A. Storrs Joined the Crusaders. Remarks of this Eloquent Temperance Apostle at a Meeting on Yesterday." An announcement that the meeting would be a sort of parting love-feast of the old-time abolitionists who had just concluded a reunion in Chicago, and who, having finished the work of abolishing slavery, had now turned their attention to that of abolishing strong drink, drew a large number to the meeting. Mr. Storrs presided, and here made his maiden temperance speech, and it was brief. On taking the chair, he said:

"It is eminently fitting and proper that the old abolitionists, who for years bravely fought against one form of slavery, having at last nobly triumphed, should, instead of laying down their arms and declaring their labors at an end, devote their energies to the extirpation of slavery which exists in another form hardly less disastrous in its consequences than that from which four millions of people have but recently been relieved. Their efforts are not now limited to the blacks alone, for there are to-day in this country millions, both black and white, old and young, men and women, held in the bondage of strong drink, and whose liberation it is the great problem of the hour to secure.

"It is no part of my present purpose to dilate upon the evils of intemperance, nor the measureless calamities which it visits not only upon its immediate victim but upon society at large. So familiar are we with them, and so constantly are they brought to our attention, that we may all be said to know them by heart. Differing from the old form of what we called African slavery, no one has been found shame-faced enough to claim that in drunkenness there is any merit; that it is anything other or else than an unmixed evil and a curse. In the old days of the anti-slavery contest, men did urge that slavery was a divine institution, and they appealed to the Bible to prove it. Yet while they appealed to Noah's curse of Ham as a reason why Ham's descendants should be held in perpetual slavery, and pointed to Noah's curse as a proper example for us to follow, they stopped there, and, so far as I know, never urged us to indulge in the juice of the grape to the extent which it is recorded that Noah did; never urged us to voluntarily place ourselves in the position which he did, and never pointed to his conduct immediately preceding the pronouncing of the curse as an example for us to follow.

"There can be no debate as to the evils of intemperance. There are no

two sides to the question. Intemperance has no victim so besotted that he will not readily admit, and who does not himself fully understand and appreciate all that you can say to him on that point. For years statistics have been showered upon them, showing the frightful consequences of the course they pursue, and yet we seem no nearer converting than twenty years ago. Statutes have proved unavailing. Laws, the most rigorous in their character, have failed to accomplish the results which were anticipated. Even when the rum-shop was closed, the appetite for alcoholic drink, and from which the rum-shop thrived, was not appeased.

"The problem, therefore, which confronts us to-day is not whether intemperance is an evil, which ought to be exterminated, for that is admitted, but, *How* shall this gigantic evil be corrected, and its spread be prevented?

"We may probably never hope on this earth to reach the time when *no* man will drink; we shall probably never live to see the day when no man will steal. There will always be those whose appetites are beyond legislative control, as there will always be those who will appropriate their neighbor's property even with the perils of the penitentiary staring them full in the face. But we may, without ranking drunkards and thieves together, reasonably expect to see the day when the number of drunkards and thieves shall be greatly lessened.

"Rigorous statutes, alone, will not produce either of these results. But a few years since, larceny was in Great Britain punished by death. But the number of larcenies was then greater in proportion to the population than it now is. No statute avails much which is very far in advance of public sentiment. It remains in such cases a dead letter upon the statute book. The creation of a public sentiment in harmony with the statute must, if it is to be efficacious, always precede the statute. And here is a magnificent field in which temperance reformers may well be delighted to work. Here may be invoked those social agencies more powerful than any mere legislation, but which, when working in harmony with it, is irresistible. The slave to strong drink is a voluntary one. And so long as he can hug the chains of his bondage and still receive social recognition, just so long will he continue. When the day comes, as I believe it will come, that society frowns upon drunkenness as a crime, we are not very far from final success, and all necessary laws can be easily enforced.

"In such a contest thus waged, the women of the country will necessarily take a most important part. I do not say conspicuous—it may be so, it may not; but the influences, great or otherwise, which they may exert in the way of reformation and prevention are incalculable.

"Unlike the war against African slavery, this great contest is not waged with carnal weapons. No blow of bugle or roll of drum calls the great army of temperance reform to the battle. No smoking cities nor desolated homes mark its progress. It comes not to destroy, but to save. Its weapons are love and charity to all. Smiling fields and happy homes, and God-fearing and law-abiding men and women are the traces which this great army leaves behind it.

"There is no poor slave to alcohol sunk so low but that some tender heart will lift him up, bind up his wounds, pour words of hope and consolation in his ear. God bless such a movement. Its purity of purpose touches every human heart, and receives the sanction of heaven. For He who died for all has said, 'Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me.'"

In October 1874, Mr. Storrs addressed a large and enthusiastic meeting in the Second Baptist Church, Chicago, and the practical bent of his mind was clearly shown in the suggestions which he made in the course of that address. After a few words of encouragement to temperance workers who were despondent because their efforts had not been attended with the success they hoped for, he said:

"All great reforms, and particularly those of a moral and social character, are slowly wrought out. The habits fastened upon men by long years of indulgence are not at once eradicated, and when, however vicious and hurtful they may be, their damaging nature has been thoroughly established, when the whole world is convinced that indulgence in them is sinful and hurtful, the real labor has but just commenced. For the correction of evil habits, something besides arguments or mere appeals to the understanding is required. The judgment once convinced, the public must be educated fully up to the standard of the argument. No argument, however conclusive and convincing, ever eradicated even serious errors in belief. The belief in witchcraft lingered long years after its absurdities and cruelties had been thoroughly exposed and demonstrated. No one can tell precisely when the world ceased to believe in witches, for the reason that human intelligence outgrew the belief, and mankind had finally so far advanced that the very atmosphere was unfavorable to it. This growth, however, was slow. But in the fullness of time it came to pass that this belief, which was infantile in its intellectual character, could not adjust itself to, and was sadly out of harmony with, the more manly intellect of the age, and so it dropped from the shoulders of the more highly civilized generation as noiselessly and as naturally as the grown man renounces the garments of his youth. In the early days of the temperance movement arguments seemed necessary, and they were abundantly furnished. Facts and statistics, showing the incalculable mischiefs which resulted from the use of strong drink, were supplied without stint. Appeals, the most persuasive and eloquent in their character, were heard from every pulpit and platform in the country.

"At that time arguments, facts, statistics, appeals, were necessary. The judgments of men had first to be convinced, and I think we may safely say that the time has arrived when every one is convinced. There are no longer doubters, the old weapons of argument may now, in a great measure, be laid aside, for the warfare is transferred to another field where other instruments must be employed.



"The question now is, having convinced the understandings of men, How shall that conviction of the understanding be made to act upon the conduct of men? In other words, How shall the man who freely admits that drunkenness is a sin, that it is a curse unmixed and unmitigated, exhibit that belief in his 'daily walk and conversation?' The real object which we seek to attain is not, after all, good doctrine so much as it is good works. The man who to-day fully agrees with all that you may say, and would thoroughly believe all that you may say, as to the destructive and baleful consequences of drunkenness, but, nevertheless, réels home in drunken stupor to-morrow, is not reformed up to our standard of the necessities of the case. Something is gained, it is true, when we have convinced him that he ought to lead a sober life, but he is then only half reformed, and the reformation is completed only when, as a result of that belief, he actually does lead a sober life."

He then discussed the subject of moderate drinking, and the question whether the adulteration of alcoholic liquors with poisonous substances was not to a large extent the cause of so much drunkenness.

"I have said that no more argument seemed to be required. In this, perhaps, to a certain extent, I am in error. While every one admits the evils of intemperance, yet many claim that moderate drinking, as it is called, is quite justifiable. I know no more treacherous and delusive phrase, than that of 'moderate drinking.' Who will prescribe what is moderate and what is not? I presume we would be told that the use of liquor, whether moderate or not, must be determined by its effects, and so long as a man succeeds in stopping just this side of actual intoxication he is a moderate drinker. In other words, when it operates solely on the stomach, its use is moderate, but when its effects are transferred to the brain it becomes immoderate. Thus you see the dividing line has to be very finely and very closely drawn, and one of the difficulties attending this very fine piece of self-examination, results from the fact that these observations are made by the party who is affected by the use of the stimulant, and trespassing one step too far in his experiments upon himself, the brain will probably be reached before the operator is fully aware of the fact, and so far affected that the work of analysis will not be very satisfactorily performed.

"Thus it is apparent that moderate drinking reduced to actual practice is attended with very great danger. The drinking may be very moderate up to a certain point, but beyond that, becomes exceedingly immoderate. The fact is that an indulgence in the use of intoxicating liquors to any extent which may result in intoxication is immoderate. The use of any poison not actually required for some medicinal purpose is immoderate. One would hardly think of a moderate use of laudanum as a beverage, nor would he who insisted that we should totally abstain from its use as a beverage be denounced as an impracticable fanatic.

"The logic of the whole question would seem to be this. That drunk-



eness is a sin and an evil is admitted. That anything which naturally tends to produce it should be avoided is admitted. That the moderate use of alcoholic drinks *tends* to their excessive use; that it begets a morbid and unnatural appetite, which will ultimately pass beyond control, will hardly be disputed. There can, therefore, be no real nor genuine safety save in total abstinence. There may be, there perhaps are men of such strong wills, such iron nerves, such phlegmatic temperaments, such absolutely balanced brains, and such vigorous stomachs as to be able day after day to march safely up to the border line which divides sobriety from drunkenness, and, withstanding all allurements, never cross the line. But such men certainly are very rare, and so few are they that as exceptions they prove the general rule. One thing is certain, the best intentioned moderate drinker in the world *may* miscalculate and *may* get intoxicated. The man who never drinks at all certainly never will. In the latter direction there is absolute security. In the former danger constantly lurks.

"It is also insisted that the evils which we seek to correct would be cured by the use of pure liquors, and that in a great measure the disastrous consequences, flowing from the use of strong drink, are attributable to the fact that the liquors now drunk are poisoned and adulterated. In support of this position we are frequently cited to the asserted fact that our fathers, or our grandfathers, as the case may be, freely indulged in the use of alcoholic drinks, yet they rarely lost their self-control. I have taken some pains to investigate this matter, and am constrained to doubt the existence of the fact. At what particular period of time intoxicating liquors failed to intoxicate, at what particular period of this world's history stimulating beverages failed to stimulate, we are not told. Bear in mind, that the question now is, as to the direct and necessary effects of intoxicating liquors. For the present we will dismiss all considerations as to their collateral effects. There has been no period in this world's history, and there never will be, when the use of intoxicating liquors, in sufficient quantity, would not produce intoxication. This result could not be possibly changed by the purity of the liquors. The alcoholic element is the only one to which we particularly object. It is this which crazes the brain and works the infinite mischief which we seek to correct. Leave out every trace of alcohol from brandy, whisky, gin, rum, wines, or beer, and no one will be intoxicated by their use, even though they may contain strychnine, arsenic, log-wood, and fusel oil, all combined.

"Moreover, with the alcohol omitted from these liquors, the other poisons named will cease to be drunk as beverages, either separately, or in combination. It is very possible, indeed it is quite probable, that our fathers were not, in the use of intoxicating liquors, poisoned in such a complicated fashion as are their descendants. They took, in using pure liquors, the hazard of but one kind of poison, while the present drinker runs the risk of several combined. The danger is now much greater than it then was, because if the drinking man escapes death from alcohol, he is quite likely to be killed by the strychnine or the fusel oil. The use of either will kill if long enough persisted in, but the alcohol will intoxicate in any event.

"Moreover, it is one of the peculiar qualities of all alcoholic stimulants to produce in their use a morbid and unnatural appetite, of a character not created by other beverages. It is the desire thus created which leads men to brave all the terrors of the poisoned liquors now in use. It is idle to argue that pure liquors do not have this tendency. It is the natural and inevitable effect of the habitual use, even of the purest liquors ever drank, to excite this morbid appetite for more. This appetite is created, not by the elements with which the alcohol is combined, whether they be harmless, or whether they be hurtful, but by the alcohol itself. Raw spirits in their purest possible form will intoxicate, and will excite this appetite. Men do not indulge in the use of pure alcohol, or high wines as a beverage. In that shape they are unpalatable. That road to drunkenness is so rough and disagreeable, that it is not often traveled. But however easy and agreeable the road may be made, the end of the road is the same; it is drunkenness, and the drunken man is no less so because the liquor which imbruted him, which robbed him of his senses, which blunted his moral consciousness, was absolutely pure. It is possible that our forefathers, as a rule, drank less than we do. They were men of iron will, resolute purpose, and a strong, moral sense. They were not subjected to a tithe of the temptations which continually beset their descendants. The dangers of excessive drinking were not as great then as now. But, nevertheless, when our fathers drank to excess, they got drunk precisely as their sons do."

He then discussed the question of native wines and lager beer as substitutes for the fiery extract distilled from corn. The *Chicago Tribune* advocated the encouragement of beer saloons and the restriction of whisky shops as a temperance measure. But Mr. Storrs, as was usual with him in reasoning upon all questions, legal, political, or social, saw no middle ground:

"Very much is said in recommendation of the use of native wines, and we are urged to encourage their manufacture, so that prices may be cheapened and their use extended.

"Native wines will intoxicate as readily, and as surely, as the foreign and imported article. The alcohol in the wines made from grapes grown in the Missouri Valley, or California, or on the hillsides of Western New York, will intoxicate as surely as though the grapes were grown in France, Spain or Portugal. The effects of alcohol upon the human system are not at all dependent upon the geography of the grape from which the alcohol is produced. Alcohol is the same everywhere. It may be that under certain climatic conditions its use may be more freely indulged in than under others. It may be that wine drank in France will not intoxicate as readily there as when drank here, but it is not recommended that we should go there to do our drinking. The encouragement of the manufacture of native wines, so that the prices should be lessened, leads to their more extended use, and the more extended the use, the more certain is intoxication to result from it. If the native wine, which now costs \$3 per bottle, could be man-

ufactured and sold for fifty cents per bottle, the result would not only be, that more people would drink wine, so that the desire and taste for alcoholic stimulant would be extended, but the people, who, before the price was lessened, drank some, would be induced to drink more. I utterly fail to see that the evils of intemperance are in the slightest degree mitigated by the consideration that the liquor which produced them was made at home.

"There are no elements of patriotism in the question. We would hardly think of encouraging men to get drunk on home-made wines as a patriotic duty; nor for the protection or encouragement of what may be called American industry. On the other hand, I think that so far as public benefits are concerned, the man whose revels are exclusively upon foreign liquors has decidedly the advantage of the consumer of the home-made article. The former, in purchasing his foreign wines, is compelled to pay the heavy duties which the government imposes upon them, and thus, to a certain extent, relieves temperate and sober people from the burdens of taxation. So far as the mere matter of intoxication is concerned, the bibber of foreign wines and the consumer of the domestic article stand on an even footing, and in the particular which I have mentioned, the former has the advantage.

"I now approach a branch of the discussion which seems to be beset with many difficulties, and the discussion of which excites much feeling. I refer to the use of lager beer as a beverage. Now, whether such use should be prohibited by law, is one question, and whether it should be encouraged is another, and quite a different one. It is the latter question only which I now propose to touch. If it can be demonstrated that lager beer is entirely harmless, that it is not an intoxicating beverage, we, as temperance men, would have but very little interest in the question. It might be in other respects injurious, as the excessive use of tea and coffee is injurious, but if that were all, it would not fall within the purposes of the temperance reform. That there is a certain quantity of alcohol in lager beer will not probably be denied. That if drank in sufficient quantities it will produce intoxication has been, I believe, denied. But to deny this fact is to dispute the clear and unmistakable evidence of our senses. If you have any doubt upon this point, go out into the streets to-morrow, visit the places where lager is sold and drank, remain long enough to note its effects. I will not ask you to try it yourselves, but observe how it operates upon others, and I am quite sure that if not already satisfied that lager beer will intoxicate, you will very soon become so. That more lager beer is required to produce intoxication than whisky or brandy is very true, but that is not the question. There is less alcohol in a gill of lager, than in a gill of whisky, but men rarely drink a pint of whisky at a sitting, while the consumption of a gallon of lager at a single sitting is perhaps unusual, but is no very extraordinary feat for the expert, accustomed to its daily use, to accomplish. While there is less alcohol in lager than there is in the same quantity of whisky or brandy, there is a much larger quantity of it drank than of either of these liquors, and so the result is quite likely to be

that the habitual consumer of lager beer takes during the day quite as much alcohol in the stomach, as he who habitually drinks brandy or whisky.

"This being the case, the results are substantially the same. The use of lager begets the same morbid appetite for more that is created by any other form of alcoholic stimulant; not only that, the time comes when the stomach craves, and the appetite demands a more active and a more powerful stimulant, and the road thus opened leads directly to stronger liquors. Without further pursuing this discussion, I conclude that we can make no distinctions between any alcoholic and intoxicating beverages. That the use of all of them should be discouraged.

"I do not propose to consume your time in recapitulating the horrors of intemperance, nor enlarging upon the beauties and benefits of sobriety. All these have been so well done, and so often done, that the world already knows them by heart. No subtle sophistries as to moderate drinking, or pure liquors, or native wines, or harmless ale and beer, will disguise from us for one single moment, the appalling horrors of strong drink. Every drunkard's grave that has ever yet been filled was filled by one who at the outset scouted all idea of danger, and prided himself upon the assurance that however depraved and uncontrollable the appetite of others might be, he was a moderate drinker, and he, at least, was safe. Beneath the subtle spells and lurking deviltries of the praises of pure liquors, thousands of noble spirits, brilliant intellects, generous, high-hearted men have fallen. The harmless ale and beer have seduced thousands, and hurried them to their graves. In the warfare which we wage there can be no compromise. A compromise to-day is total, absolute, unqualified surrender to-morrow. There is no middle ground. There can be none. The enemies with whom we are at war are our enemies still, no matter under what banners they march. They are our enemies, and the enemies of our race, whether clothed in the purple of foreign wines and liquors, the homespun of native wines, the plain fabric of lager beer, or the rags of poisoned whisky. We must meet them all. We must overcome them all, and in God's good time, I believe we shall."

The means by which the temperance reform movement could be carried forward to success were next considered in his own practical way.

"And this leads directly to the consideration of by far the most difficult question which we have to encounter. How shall the reform which we seek be accomplished? Our failures, thus far, to secure that full measure of success, long ago looked for, cannot be attributed to any weakness or errors in the cause itself. Its merits are beyond all question. How, then, shall we account for its lack of complete success? This is a very vital question. It is the great question of the hour. What are the defects in our old method; how can they be remedied, and what new ones can be devised?

"One explanation of the long postponement of final success I have already attempted to give. It is to be found in the very nature of the reform which we seek. Its character is neither political nor theological, in a strict sense.



It is moral. It involves the necessity of a change of habits, almost ineradicably fixed by long indulgence. The greatest virtue which the temperance reformer and agitator can possess is that of unwearied and unwearying patience. No blasts from rams' horns will blow down the thick and solid walls which generations of time have builded. They cannot be overthrown by sudden assaults, nor brilliant dash; but slowly and gradually they must be undermined, until they will crumble to pieces of their own weight.

"Before the great body of the people can be thoroughly reformed, they must be first educated up to the full measure of the reform. This education must be something more than a mere intellectual assent or conviction.

"It must, to be effective in the way of results, become a part of one's nature, so to speak, and daily habit. But this reason alone is not sufficient to cover the entire ground of the partial failure of the temperance movement. We all now quite clearly perceive that there now is, and that there always has been, a lack of that thorough organization, and that united and harmonious action, which is so essential to success in all reformatory movements. Each temperance reformer has had his own special and pet theory of action. He has nursed it carefully and tenderly, and is as jealous of it as he would be of the honor and safety of his child. He will neither modify nor change it, nor hold it in abeyance. He looks with extreme jealousy upon every other method save his own; and, hence, instead of bending their united exertions against the common enemy, their strength is frequently frittered away, and wasted by foolish quarrels and differences among themselves.

"Of course I do not wish to be understood that these remarks are true of all temperance reformers, but I appeal to your own experience whether it is not true of by far too many of them. To-night and here we are met to determine how 'the plague can be stayed.' Will it not be a splendid beginning, if to-night we can all agree to surrender, for a time, our individual views, and sacrifice our prejudices upon the altar of the great cause itself. We all are loud in invoking charity for the poor helpless inebriate. This is well. But it is unnecessary to exhaust it all upon him,—let us leave a little for each other.

"Let us now examine the various methods which have hitherto been adopted, and testing them by their actual workings, see what we are prepared to say about them.

"I call attention, first to prohibition by legislation. I call attention to this method of reform first, because, concerning its wisdom there are the widest differences of opinion. How has it operated? Do you all feel like answering me that it has operated well? Have you not many doubts upon that point? But suppose you tell me that the trouble is not with the law, but that it has not been enforced. But I inquire why has it not been enforced? There is no difficulty in enforcing any legislation, back of which stands an endorsing and thoroughly approving public sentiment. You will agree with me, that had prohibition been attempted fifty years ago, it would have failed utterly and completely, even could the necessary legislation have been secured. The officers of the law were quite as capable and efficient and



quite as honest then as they now are, but the trouble would then have been that public sentiment would not have approved the law, nor sustained the officers in its execution. It may be disagreeable to listen to such facts as these, but they are facts nevertheless and if we are wise we will take note of them. Now, has there been since that time such a growth and advance in public sentiment as to change our policy? to make that wise to-day, which fifty years ago was impolitic and unwise? Looking the question squarely in the face, what do you think about it? Bear in mind that the inquiry is not how we would be glad to have the facts, but *how are the facts?* The question is not one of feeling—but of dry, hard, unsympathetic statistics. The experiment has been repeatedly tried. New England has tried it for many years. I am not prepared to say whether the failure has been complete or not, but it is certain that prohibition has not worked as well as its friends anticipated. One thing is absolutely certain, that prohibitory legislation *alone* is not adequate to the emergency. It is clear beyond all question, that we need something more than prohibition. I exercise here that charity for the opinions of others which I would claim for my own.

"I do not insist that prohibition is an absolutely demonstrated failure. Where there is so much uncertainty as to the facts, it is next to impossible to be certain and positive in our conclusions. Moreover, we are not seeking to sustain a particular theory; we look to the good of the cause itself; and so long as its interests are advanced and promoted we need not be very particular as to the means, so long as they are legitimate ones. But it is well to examine all aspects of this question. A great historian has said that there is nothing so hurtful as ignorant conscientiousness. Remember that no legislation is of substantial service which is very far in advance of public sentiment. It should not lag behind it; it should not greatly anticipate it; it should be fully abreast of it. Excessive statutes cumber the statute books, and are practically a dead letter. Of the truth of this, history is full of examples. The tax of two dollars per gallon on whisky, imposed by the general government, failed utterly as a Revenue measure. Whisky was openly sold for less than the tax, but when it was reduced to fifty cents per gallon the revenues were more than doubled. Excessive tariffs prove failures. Honest importations are checked, revenues are thus lost, and smuggling encouraged, for the excessive tariff is an advertised premium upon smuggling. Excessive punishments invariably fail to produce the results intended. So far from preventing the commission of crime, they rather stimulate and encourage it. When in England the death penalty was affixed to larceny, thieves went unwhipt of justice because juries would not convict where the punishment was so excessively severe. Thus, instead of preventing larcenies, they were largely increased. Such extreme legislation is not only unwise because it cannot be executed as to the particular offence against which it is directed, but it is unwise and incalculably injurious in a broader sense, and for more extended reasons.

"A statute unenforced, because public sentiment will not justify it, not only brings the special statute into disrepute, but begets a disregard for all law, and a contempt for any legal restraint whatsoever.

"I have purposely refrained from touching the question as to the wisdom of what it called sumptuary legislation, of attempting to regulate by law what a man shall eat, or drink, or wear. It is safe to say that as a *general rule*, such legislation has been deemed unwise. Whether legislation of this character, with reference to intoxicating liquors, is an exception to this general rule, I shall not take time to discuss. Enough has been said, however, it seems to me, to justify us, so far as prohibitory legislation is concerned, to proceed cautiously; to weigh well every aspect of the question, and finally to decide it solely and with reference to its probable effects upon the ultimate good of the cause itself.

"Observe that what I have said has been with reference to prohibitory legislation. Statutes regulating the sale and use of ardent spirits are of quite a different character. They can be enforced. Public sentiment clearly sustains them, and they ought to be enforced."

As during the civil war he had no sympathy with the fanatics who pestered President Lincoln with their demands for an immediate emancipation of the slaves, long before our armies had gained such vantage ground as to make such a proclamation other than a dead letter, so on the prohibition question he had no patience with the extremists who insisted on making it a separate issue in politics, as was done in the Presidential campaign of 1884, resulting in the defeat of the Republican candidates. On this point he uttered a warning note:

"And here let me say a word, with reference to mixing our temperance with our politics. I doubt if you can find a solitary instance where such a mixture has not injured the cause of temperance, without, in any way, as a compensation, improving politics. I would not go about with our temperance doctrines in our hands, seeking to barter and trade them with some political party. I would not say to any party organization: 'Give our temperance ideas a place in your platform, and we will give you our votes in return.' Trades of this kind in certain localities can be made, and have been made, but the never-failing result has been that the temperance men have been fearfully cheated. I desire to see every step taken by the temperance reform in advance maintained; I desire to see every reform achieved, a substantial and permanent one—so to speak, structural in its character. I would not see it swinging backwards and forwards, subject to the endless freaks and caprices of partisan and political changes. I would not see this great cause—spotless in its purity—with no smurph upon its garments—dragged through the foul mires of partisan contention."

After referring to the secret societies organized in aid of the temperance cause, Good Templars and others, who reached a class who could not perhaps be secured in any other way, he said:

"Great results were expected from the woman's movement, otherwise

known as the temperance crusade, which spread, of late, so rapidly all over the country. No doubt much good was accomplished by it, but it remains to be seen how permanent is the character of the work it has accomplished. It was short lived—its force is now spent, and we have learned what we already knew before, that the enemy was not to be vanquished by any sudden sally. But we have nevertheless learned a most useful lesson by this movement, brief and short lived as it was. We have been taught what tremendous power women wield and can wield in this great cause. Organized and persisted in, the influence of woman would, I am satisfied, result in the largest measure of success. To achieve this success she need not go into the streets, or she may, but exercising the social influence which peculiarly belongs to her, the habit of indulging in strong drink may be ultimately driven from every home. Finally, the churches are all with us. It is fitting that they should be, and I know of no class of teachers who have larger opportunities of advancing our cause than our clergy.

“But it will be asked, and most naturally, what means would you adopt? I would answer that I would, if necessary, join them all together and adopt them all. I would unite wise legislation, the churches, the secret societies, the open temperance organizations, moral suasion and social influence in one compact body, all working to a single purpose. We need not be afraid that we shall adopt too many means. They will, all taken together, be found none too strong. But I would follow, to a certain extent, the precedents set by the politicians; I would organize a temperance movement in every ward and divide each ward into districts. Committees should be appointed in every district whose duty it should be to visit every household cursed with intemperance. Personal appeals, persuasion and entreaty would do much. I would continue this work patiently and unceasingly. It is wonderful to see how strong a hold a kindly expression and manifestation of interest in the well-being of your neighbor gives you upon him. In this work, the assistance of temperance women will be invaluable, and we can hardly predict how much of splendid results such a line of labor would accomplish. I believe that in every ward and district in this city organizations of women can be formed, sufficiently strong and powerful to drive ardent spirits from every household and from every table. When the use of liquors becomes unfashionable, when those who indulge in its use learn that the penalty which they are compelled to pay for such indulgence in social ostracism, when it becomes as disreputable to be seen entering a drinking saloon as it would to be seen entering a gambling hell, we may be assured that the final triumph of the temperance cause is not very far off.

“Immense changes in this direction have already been wrought. As gloomy as the prospect may appear to some, great and substantial progress has, nevertheless, been made. Twenty-five years ago the decanter was found upon every sideboard, and not to proffer the glass to your guest would have been deemed the grossest incivility. To-day the sideboards thus supplied and the glass thus proffered are the exceptions rather than the rule. Twenty-five years ago our Senators reeled to their places in the

Senate, the public took but little heed to the disgraceful exhibition, or, if they noted it at all, called it an eccentricity of genius. To-day such a scene would shock the sense of the whole country, and so much more healthy is public opinion, that habitual drunkenness in a public man is the certain loss of public confidence and favor. Years ago a drunken clergyman was not, by any means, a miracle. To-day how is it? Clergymen have not so much changed as that public opinion now would not, for an instant, tolerate in its religious teachers what but a few years ago it complacently winked at. A quarter of a century ago, and how short, after all, the time now seems, the use of intoxicating liquors by the members of the learned professions, law and medicine, was almost universal. Slowly but surely, nevertheless, has a more advanced public opinion applied the corrective, and the professional man is taught in a manner which he cannot misunderstand, that the public will have nothing to do with drunken lawyers or physicians. These marked changes are apparent in every rank, in every station in life, and in every department of business. The merchant is under a salutary restraint, for well he knows that the moment it shall once become known that he habitually indulges, and at times to an excess, in the use of ardent spirits, his credit is irretrievably ruined. The church, dormant twenty-five years ago, is now thoroughly aroused and lends her powerful assistance to the temperance cause. Our legislators who, twenty-five years ago, treated the temperance reformer as an impracticable fanatic, and who were exceedingly anxious that it should be understood that they had no sympathy with them, now humbly make obeisance in their presence, and are eager to do their bidding.

"In short, the entire face of society, so far as the question of temperance is concerned, has been changed within a quarter of a century. Public opinion has been revolutionized; thousands and hundreds of thousands of drunkards have been reformed, thoroughly and completely. Thousands of homes, desolate and wretched twenty-five years ago, have been made bright and happy. Temptations have been withdrawn from countless numbers of young men, who would otherwise have gone astray; the spread of intemperance has been checked, and now strong as we are, having stopped its onward course, we must drive it back to its own foul caverns.

"What imagination can conceive—what pen can portray—what pencil can paint the glorious future which awaits us! Marching under one single banner, all difficulties healed, all dissensions hushed, there awaits us nothing but glory. Our mission is to lift up the fallen, to comfort the sorrowing, to soothe the poor bleeding heart.

"As we march on, the fires are lighted upon the old hearth-stones, whose embers were long since burned out. The old roof-tree, long since leafless and barren, awakens to new life and vigor, and fresh green leaves again fill all its branches. The wail of the worse than widowed wife, the cry of the worse than orphaned child, dies out from a thousand stricken homes, and the glad song of renewed hope and joy ascend to Heaven in their stead. Old ambitions rise out of their graves and bravely challenge the future. Despair gives way to hope. Strife flies at the approach of the white-winged



messenger of peace. The beclouded intellect is cleared, the benumbed conscience is awakened, and, clothed and in his right mind, the poor slave to strong drink, now free, sees hope and honor still before him. Self-respect returns. Every noble feeling, long since slumbering, is awakened. No smoking cities mark the pathway of this great army; and when its journey is complete, and its labors achieved, it looks back upon happy homes, upon fields of waving grain, it hears the hum of busy cities, it watches the happy and contented toil of the laborer. Be assured, our cause will triumph. And as we stand, at last, on those glittering eminences which we are sure to reach, there shall come swelling to our ears, from the valleys beneath, the praises and plaudits of the hundreds of thousands whom our labors have saved, saying: "God bless the great army of temperance—God save the temperance cause."

This address was printed and circulated in pamphlet form, and attracted the attention of all thoughtful temperance reformers throughout the United States. The paragraphs about prohibition conveyed some ideas which the advocates of the plan of curing intemperance by legislation had not thought of before, and in Iowa, which has a purely agricultural population, and has few populous towns beyond the bank of the Mississippi river,—in which, therefore, the experiment of prohibitory legislation seemed to have a better chance of success than even in Maine,—Mr. Storrs' published opinion created quite a sensation. A prominent citizen of Iowa wrote to him for a completer exposition of his views on this subject. The correspondence was as follows:

"DAVENPORT, March 3, 1875.

"HON. EMERY A. STORRS.

"DEAR SIR:—I have carefully read your very able address delivered at the Second Baptist Church, in Chicago, on the evening of Oct. 15th, 1874, and knowing you to be an earnest worker in the temperance reform, I was struck with your remarks upon the subject of prohibitory laws as a method of reform, and especially that part of it which asserts that 'a statute unenforced, because public sentiment will not justify it, not only brings the special statute into disrepute, but begets a disregard for all law, and a contempt for any legal restraint whatsoever.'

"I have also very carefully considered the expressions of opinion by earnest temperance reformers in those Eastern States where prohibitory laws have existed for years, which so nearly accord with your views, that I have made the subject one of thoughtful study and inquiry for some time, and although I have been for twelve years a diligent and persistent advocate of prohibitory legislation, and have seen its workings here during that period, I am becoming doubtful in regard to the expediency of such laws as auxiliaries in the temperance reform. It has seemed to me that the existence of such laws on the statute books has tended to relax the labors of the



advocates of total abstinence, and induced them to rely upon law to create and sustain that public sentiment which can only be kept alive and vigorous by the unrelenting labors of the advocates of reform. I was also seriously impressed with that part of the message of the Governor of Illinois, at the present session of your Legislature, upon the same subject. They struck me as words of 'truth and soberness.' In this State the laws, so far as they effect the sale of intoxicating liquors, are, by some of the truest temperance reformers, esteemed practically a failure, for, with such laws, in almost all the larger cities, the *sale* is only limited by the demand, and the laws silently and tacitly ignored.

"Now, it becomes a serious inquiry whether or not (to use your own words) this 'does not beget a disregard for all law, and a contempt for any legal restraint whatsoever.' I would like to obtain your views, more clearly stated, upon this subject, for I am almost persuaded, by experience demonstrated, that in a republic where the will of the people is law, all prohibitory legislation of the sale of an article so generally used, in advance of a safe and abiding major public sentiment sustaining it, is unwise, and tends to relax individual effort in favor of actual reform

"Yours truly,

"GEO. E. HUBBELL."

"GEO. E. HUBBELL.

"MY DEAR SIR:—Yours of the 3d inst., came to hand this morning.

"I have not given to the subject of 'Prohibition Legislation,' the examination nor the thought which its importance demands; but nevertheless have quite decided opinions with regard to it.

"There are several methods of judging of the wisdom of any proposed scheme of legislation:

"1. How has such legislation worked practically?

"2. Is it wise on general principles?

"The advocates of prohibition have, I am aware, furnished statistics as to the practical workings of the law in certain portions of Maine and Massachusetts, where it has been in force, and claim that from those statistics it clearly appears that such legislation can be enforced, and that when enforced, its results are of a most satisfactory character.

"But, notwithstanding these statistics, I am constrained to think that the great mass of testimony leads to the conclusion that throughout Maine and Massachusetts generally, the law has not been enforced, and in the former State most certainly it has had a fair trial.

"Now, if it has not generally been enforced in those States, we must look for some different explanation than that the officials whose duty it was to execute the law were corrupt or wilfully failed to perform their duties. Maine and Massachusetts are both *par excellence* law-abiding States, and the people are an order-loving, law-abiding people.

"There is no difficulty in enforcing the laws there generally, and there must be something about this particular kind of legislation itself which creates the difficulty.

"The advocates of prohibition tell us when we point to the State where

it is in force, and show that drunkenness still prevails there, and that there is no marked and apparent benefit resulting from it; that the trouble is that the law is not carried out, and that if it were only executed we would soon see that drunkenness would, in a great measure, cease. This is doubtless true. If the sale or manufacture of intoxicating liquors were for any cause to absolutely cease, there would be but little if any intoxication. But the trouble is that such extreme statutes *are not enforced*, and we are justified in saying from that very fact, that they cannot be enforced; so the very explanation which its friends give us for the failure of the law, is, in my judgment, the strongest argument against the law itself.

"Public opinion does not sustain this extreme legislation. Men refuse to be forced in this fashion, and the opinion of the best thinkers, is almost, if not quite, unanimously opposed to any legislation which seeks to coerce the appetites or the tastes of men.

"Now, an unenforced and generally disregarded and violated statute is, as we all know, especially injurious in its consequences. The continuing spectacle of a violated law—violated openly and recklessly, is productive of the worst results, and has a direct tendency to bring all law into contempt. The public will not be confronted daily by a statute which is by a large portion of the community hated, by another portion utterly spurned, and by another regarded as unjust and oppressive in its operations, without gradually extending their suspicions and doubts to the entire system of laws under which they live.

"It is idle to talk of enforcing a prohibitory law in Chicago. You cannot by a statute possibly convince a German that it is wrong either to sell or drink lager beer. The moment you attempt it he considers himself outraged and oppressed, and rebels against it. Moderate men by hundreds and thousands, are driven from the ranks of Temperance Reform, where they really belong, by these extreme measures, into the ranks of the opposition, where they do not belong, and they are led to suspect the efficiency of all our efforts in that direction.

"Any man, with half an eye, can see that such has been the effect in this city. I know not how it may be in Davenport, but human nature is, I imagine, very much the same there that it is here, and the same cause would be very likely to produce the same results in both places.

"You, of course, will not understand me as recommending or approving the moderate use of even lager beer. I think the idea of moderate drinking of any intoxicating alcoholic beverage is a delusion and a snare, and I would employ every method of argument, persuasion and entreaty, to lead others to the same conclusion. But legislation is another matter. We cannot legislate for men as we would like to have them, but as they are, and when that time comes that everybody is willing that his appetites shall be regulated by law, it will be when every ones appetites are such as the law requires them to be.

"Of course we all recognize the necessity of *regulating* the sale of intoxicating liquors by law. This necessity I fully appreciate, and think the statute we now have in this State is in the main a good one. But after all,

the great reforms which we seek to accomplish must in the main be wrought out through other agencies than that of legislation.

"Yours truly,

"CHICAGO, March 4, 1875.

"EMERY A. STORRS."

In November of the same year he delivered an address at Aurora, Ill., in aid of the Aurora Temperance Reform Club. No report of it has been preserved. The *Aurora Daily News* of November 11, 1875, thus describes the occasion:

"Hon. Emery A. Storrs addressed one of the largest audiences ever assembled in Aurora, at Coulter's Opera House last night. It is always a pleasure to listen to Emery A. Storrs on any subject, but especially so, on the subject of temperance. His reference to the influence of *one* reformed man, will find an illustration in his own life and experience. He appears to have more confidence in public sentiment, and the will and pluck of the inebriate to work a reform, than in legislative enactments. Being one of the leading lawyers of the Northwest, his opinion in this respect ought to have particular force. He believes however in using all legitimate means of warfare. It was without doubt the finest, most sensible and best appreciated temperance lecture ever delivered in this city."

The path of wisdom which he had resolved to tread, he desired that others should follow. With the utmost delicacy and tact, he pleaded with every one in whom he felt an interest, and there was no surer mark of Mr. Storrs' friendship and regard than his gradually bringing a conversation round to this topic, and urging the cause he had so much at heart. Soon after the address given at the Second Baptist Church was printed, he sent some copies to a friend, with a characteristic letter:—"If you get drunk after reading this, it is your own fault. I relieve myself from all further responsibility in the matter. Soberly hopeful that you may join the band of reformed drunkards, that you too may be 'a brand plucked from the burning,' I am affectionately yours."

In all things his views were eminently practical, and he has the credit of having been one of the first to give practical shape to temperance work in enforcing legislation already on the statute book, and in devising further legislation in the same direction. In February 1875 he addressed a letter to Mr. Andrew Paxton suggesting that some corporate action should be taken by the temperance societies of Chicago with the view of persuading the heads of large manufacturing establishments, and employers of labor generally, to make Monday pay-day instead of Saturday—a

suggestion which has since taken general effect, and ripened into a custom. Mrs. T. B. Carse had been personally canvassing the business houses with this end in view, but Mr. Storrs thought there should be an organized influence brought to bear. Though convinced that prohibition was impracticable in the present condition of American society, and especially in the large cities, he yet saw a wide field open for useful legislation in the way of regulating and restricting the liquor traffic. He saw that young men who formed drinking habits before they had arrived at a knowledge of the deep responsibilities of life were the most likely of all to pursue the drunkard's career, and that, though general prohibition could not be made operative, all classes would hail such legislation as would remove temptation from the young. At the time of the railroad riots in 1877, it had been observed that most of those engaged in the disturbance in Chicago were minors, inflamed by the use of intoxicating liquors. On investigation it was ascertained not only that tens of thousands of boys under age were daily patrons of the saloons, but that most, if not all of the dram-shops were in the habit of selling them liquor. There were then in round numbers about 3,000 saloons in the city of Chicago, and the number of minors to whom they freely sold beer and liquor was estimated at 30,000. Among the minors who were then patronizing the saloons were hundreds of young girls. The city police were notoriously inefficient to check the evil, even if they did not connive at it. This horrible state of things was vividly portrayed and vehemently denounced by Mr. Storrs in a stirring address which he delivered in Farwell Hall in February 1878. The facts set forth in that address were gathered from personal investigation by Messrs. F. F. Elmendorf and Andrew Paxton, who visited a large number of saloons in the Winter of 1877 and were eye-witnesses of the scenes of juvenile depravity permitted in them. A meeting of temperance men and women was held in November 1877, at which the formation of a Citizens' League was suggested for the purpose of suppressing this branch of the liquor traffic, and saving the youth of the city from habits of dissipation and vice. Mr. Storrs drafted the constitution of the "Chicago Citizens' League for the suppression of the sale of liquor to minors,"—the first organization of its kind in the United States,—and it was incorporated

under the laws of Illinois in April 1878, Mr. Storrs and three other gentlemen, Messrs. F. F. Elmendorf, I. P. Rumsey, and Andrew Paxton, being the incorporators to whom the certificate was issued. Mr. Elmendorf was chosen as the first president of the League, and Mr. Paxton was appointed prosecuting agent. Mr. Storrs was appointed special counsel. Mr. Paxton was provided with assistants, so that each division of the city should be thoroughly looked after, and every saloon-keeper found selling liquor to minors prosecuted and punished. The result of their work was that in a few years the sale of liquor to minors was diminished by seventy-five per cent, and may now be said to be entirely suppressed, most saloons having posted conspicuously over their bars a notice that minors' are not allowed on the premises. As Mr. Elmendorf said, this action of the League has been the turning point in the lives of thousands of young men in Chicago. The liquor dealers formed an association to combat the efforts of the League, one of its purposes being to defend its members against prosecutions, but even they were compelled to recognize the principle for which the League contended, by passing a resolution that no saloon-keeper who sold liquor to minors should be a member of their organization. In January 1883 the Chicago Citizens' League were able to report that during the preceding five years 300 saloons had been closed, 25,000 youths had been kept out of saloons, 1600 saloon-keepers had been arrested, 3000 homes had been visited, the League had saved in police and criminal law expenses \$500,000 to the city, and had diverted from the tills of the saloon-keepers to the proper support of families \$2,000,000. The agents of the League at first encountered obstacles in their work from the lukewarmness of the magistrates, but by steady perseverance they brought even the justices round to their side; judgments were given, fines inflicted, licences revoked, and thus the laws were enforced. Each successive step strengthened the movement, and made the next advance more easy.

The success of the Chicago Citizen's League led to the formation of similar leagues all over the country. Other Illinois cities and towns followed its example, with equally gratifying results. From Pennsylvania and Massachusetts, and from other States, Mr. Storrs was applied to for information as to the constitution



and working of the Chicago League; and even from the Sandwich islands a message came asking for the same information, with a view to similar work there. Finally, in December 1882, the Citizen's Law and Order League of Massachusetts, one of the numerous progeny of the organization which first took working shape in Mr. Storrs' practical mind, issued a call for a national convention to be held at Boston, for the purpose of forming a National League. The convention met at Boston in February 1883, and Mr. Elmendorf was elected president of the National League then formed, Mr. Storrs being chosen as chairman of the standing committee on enforcement of the laws.

The local movement to which Mr. Storrs was mainly instrumental in giving practical shape, is now a national organization having branches all over the country; and it is safe to say that wherever its influence has penetrated, wherever a branch league has been formed, the sale of liquors to minors is comparatively unknown, and even the saloon-keepers themselves acknowledge that the change is altogether for the better.

While Mr. Storrs was in St. Louis, as leading counsel for the defence on the trial of the celebrated Babcock case, he had occasion to exhibit his power of extempore oratory in a remarkable manner. The case was won; his client was honorably acquitted; and there gathered around Mr. Storrs in the Lindell hotel a host of congratulating friends, citizens of St. Louis, including many eminent members of the St. Louis bar. Some of these were disposed to celebrate the occasion by conviviality, but Mr. Storrs could not be induced to join in their potations, though he lent them his countenance, and sat smiling by, drinking lemonade. One of his legal brethren suggested that he surely never had gone through the fatigues of such a trial without some stronger stimulus than lemonade; he doubted its power of inspiration, and challenged Mr. Storrs to make an off-hand temperance speech. Mr. Storrs promptly responded to the challenge, and a short-hand reporter who was present took notes of what he said, and published the speech from his notes after Mr. Storrs' death. It is unquestionably a wonderful effort, and shows not only what an amazing command of language Mr. Storrs had, but also his readiness in marshaling his thoughts on the shortest notice, so that everything he said was clear and to the point. Although model-

ed on Mr. Gough's well-know apostrophe to water,—which, by the way, was not original with him, but is traced back to Lorenzo Dow,—the speech which follows is so thoroughly characteristic in ideas and method of expression as to be altogether Mr. Storrs' own :

“How do you expect to improve upon the beverage furnished by nature? Here it is—Adam's ale—about the only gift that has descended undefiled from the Garden of Eden! Nature's common carrier—not created in the rottenness of fermentation, nor distilled over guilty fires! Not born among the hot and noxious vapors and gases of worms and retorts, confined in reeking vats, placed in clammy barrels and kegs, stored in malarious cellars full of rats and cobwebs! No adulteration fills it with sulphuric acid, spirits of nitre, stramonium, other deadly drugs and poisons, until it is called ‘forty-rod death,’ and ‘bug-juice,’ ‘fusel oil,’ and ‘Jersey lightning!’ It is not kept standing in the fumes of sour beer and tobacco-smoke in saloons exposed for weeks and months before it is drank to the odor of old cigar-stubs and huge spittoons. Virtues and not vices are its companions. Does it cause drunkenness, disease, death, cruelty to women and children? Will it place rags on the person, mortgages on the stock, farm, and furniture? Will it consume wages and income in advance and ruin men in business? No! But it floats in white gossamer clouds far up in the quiet summer sky, and hovers in dreamy mist over the merry faces of all our sparkling lakes. It veils the woods and hills of earth's landscapes in a purple haze, where filmy lights and shadows drift hour after hour. It piles itself in tumbled masses of cloud-domes and thunderheads, draws the electric flash from its mysterious hiding-places, and seams and shocks the wide air with vivid lines of fire. It is carried by kind winds and falls in rustling curtains of liquid drapery over all the thirsty woods and fields, and fixes in God's mystic eastern heavens His beautiful bow of promise, glorified with a radiance that seems reflected out of Heaven itself. It gleams in the frost crystals of the mountain tops and the dews of the valleys. It silently creeps up to each leaf in the myriad forests of the world and tints each fruit and flower. It is here in the grass-blades of the meadows, and there where the corn waves its tassels and the wheat is billowing! It gems the depths of the desert with the glad, green oasis, winds itself in oceans round the whole earth, and roars its hoarse, eternal anthems on a hundred thousand miles of coast! It claps its hands in the flashing wave-crests of the sea, laughs in the little rapids of the brooks, kisses the dripping, moss-covered, old oaken well-buckets in a countless host of happy homes! See these pieces of cracked ice, full of prismatic colors, clear as diamonds! Listen to their fairy tinkle against the brimming glass, that sweetest music in all the world to one half-fainting with thirst! And so, in the language of that grand old man, Gough, I ask you, Brothers all, would you exchange that sparkling glass of water for alcohol, the drink of the very Devil himself?”

## CHAPTER XXI.

### THE ST. LOUIS WHISKY RING.

HISTORY OF THE ST. LOUIS WHISKY RING—ITS METHOD OF OPERATIONS—THE PROSECUTIONS CONDUCTED FOR POLITICAL ENDS—IMMUNITY GIVEN TO THE WORST OFFENDER—AN ATTEMPT TO CAST DISCREDIT UPON PRESIDENT GRANT BY INDICTING HIS PRIVATE SECRETARY—THE PROSECUTIONS RUN IN THE INTEREST OF SECRETARY BRISTOW'S PRESIDENTIAL ASPIRATIONS—GENERAL BABCOCK'S CAREER—THE MEPHISTOPHELIAN ARTS OF JOYCE AND MACDONALD IN CORRESPONDING WITH HIM—POPULAR PREJUDICE AGAINST BABCOCK—ATTITUDE OF PRESIDENT GRANT—HIS LETTER TO MRS. BABCOCK.

THE latter years of President Grant's second administration were clouded by the exposure and prosecution of a widespread organization to defraud the Government out of a large portion of its legitimate revenue, which has passed into history under the name of the "whisky ring." Before General Grant had been in office for many months of his second term, "it became evident," to use the words of the President himself, "that the Treasury was being defrauded of a portion of the revenue that it should receive from the distillation of spirits in the West." Efforts were made by the Commissioner of Internal Revenue, by sending out special revenue agents, to obtain evidence of the fraud, and to punish those concerned in it; but some of those agents were not themselves proof against temptation, and they were bought off by the distillers. It was not till 1875 that conclusive evidence was in the hands of the Internal Revenue Department, showing the existence of a combination among the distillers and revenue officers all over the West,—in St. Louis, Peoria, Pekin, Chicago, Milwaukee, and in Indianapolis, Louisville, New Orleans, and other places,—to defraud the

Government by the manufacture on an extensive scale of whisky on which no tax was paid.

The storm broke first in the city of St. Louis, where the "ring" had been in operation for four years. In that time it was estimated that they had cheated the Government out of over a million dollars. All the officers entrusted with the collection of the public revenue, from the District Collector down to the humblest gauger, were concerned in it, for without their connivance the distillers and rectifiers could not have carried on their fraudulent operations for a single day. It was one of the most powerful combinations, both as to the wealth of one branch of its membership and as to the official power and advantages of the other, of which the history of this country furnishes an example.

The high duty on distilled spirits, which was imposed as a necessary means of raising revenue to carry on the war, and which was then 70 cents per gallon, offered a tempting inducement to dishonest revenue officers and distillers to confederate together to defraud the Government. A "ring" for this purpose was formed in St. Louis early in 1871, by one Conduce G. Megrue, who had been Assessor of Internal Revenue in the Cincinnati district, and was transferred to the St. Louis district in that year, through the solicitation of his friend John A. Joyce, who had been a clerk in the Treasury Department at Washington, but was now employed as Revenue Agent at St. Louis. Megrue had won over to the prosecution of his schemes all the highest officers of the revenue in that city,—Charles W. Ford, the Collector, John Macdonald, the Supervisor, Joyce, the Revenue Agent, and the proprietor and editor of the *Globe-Democrat*, William M'Kee. He made propositions to the distillers to begin the manufacture of illicit whisky, assuring them that the local officers of the Government would afford them protection, and the business was commenced at once, the distillers paying over every Saturday night to Megrue one half the tax, or 35 cents on every gallon of whisky on which the duty had been evaded. This fund was divided among the five members of the ring already named. The other half was the profit of the distillers, who sold their illicit whisky to the rectifiers at 15 cents a gallon less than the regular market price, retaining 20 cents a

gallon to themselves. Part of the money paid to the "ring" collector, Megrue, went to bribe the gaugers and store-keepers employed by the Government at the distilleries. In the short period of fourteen months after its organization, the St. Louis ring, it was calculated, had cheated the Government out of more than \$600,000. The shares of each of the five members of the ring in that time were over \$60,000 each.

Megrue left St. Louis in 1872, and for some months the illicit manufacture was suspended. The ring had to be formed anew. In the spring of 1873 Joyce took command of its operations, and appointed as "ring" collector a revenue officer of the name of Fitzroy. Every Saturday night, Fitzroy paid over to Joyce the money he had got from the distillers, amounting sometimes to \$1000, and some weeks as high as \$3000, as the unlawful gains of the week. In August 1874, Fitzroy was succeeded in the performance of this delicate duty by Abijah M. Everest, a gauger, who became one of the most sensational witnesses for the Government in the trials which subsequently occurred. When the scent became too warm, and Abijah stood in danger of indictment himself, he set an example which so many bank cashiers have followed since, and fled his country. He was allured back from Rome on promises of immunity, to testify in the only case where his testimony was of least service in bringing out the truth, but where these trials had assumed a political complexion, and were being used to make political capital for an aspirant to the Presidential chair then occupied by General Grant. Everest continued to be the collector for the ring until the distilleries at St. Louis were seized, and all the participants in this gigantic scheme of fraud were arrested and put upon trial.

This catastrophe happened in May, 1875. Secret agents had been sent out from Washington, and on their reports orders were given to seize all the distilleries where illicit whisky-making was found to have been carried on, their proprietors placed under arrest, and informations filed against not only the distillers but against all the revenue officers who were found to have been concerned in the fraud. Joyce, Macdonald, and M'Kee were indicted, tried, and convicted of complicity in the business, and sentenced to severe terms of imprisonment in Jefferson penitentiary.

The prosecutions of the whisky ring conspirators lasted all



through the Fall of 1875. A vital witness for the Government was the rascal Megrue, who was the originator of this whole gigantic scheme of fraud, so far as the St. Louis district was concerned, and whose testimony was purchased by Secretary Bristow and his subordinate officers by a promise of absolute immunity. Megrue took good care to have clear documentary proof of this bargain before he went on the stand to testify.

It was of course indispensably necessary, in order to carry on the fraudulent operations of the ring without molestation, that there should be some official confederate in Washington who could give prompt and timely information of any indication of suspicion on the part of the Commissioner of Internal Revenue, or any action on his part with the view of unearthing the frauds. Such a confederate was easily found by Joyce, from his previous knowledge of the Department, in the person of William O. Avery, who was chief clerk in the office of the Commissioner, and therefore knew of all orders for the sending out of secret revenue agents into suspected districts. The evidence of his complicity becoming apparent on the trial of the St. Louis conspirators, he was likewise indicted, tried, and convicted.

In the course of Avery's trial, some telegrams which had been sent to Joyce and Macdonald by General Babcock, the private secretary of President Grant, were put in evidence by the prosecution; and then was developed the purpose of the prosecuting attorneys, acting in furtherance of Secretary Bristow's pretensions to the Presidential nomination in 1876, to seek to connect President Grant, through his confidential secretary, with the revenue frauds in St. Louis. Not only was absolute immunity promised and given to the worst and most guilty of the conspirators, but the telegraph offices all over the country were ransacked, and, as Mr. Storrs said, "the cradle and the grave were robbed\*" to obtain the slightest scrap of evidence which could in any way be

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\*This phrase was not Mr. Storrs' own. It is one of those aphoristic sayings of General Grant which have become historical. In a letter to Hon. E. B. Washburne, August 16, 1864, General Grant discusses the result of "peace on any terms" for which some politicians at the North were clamoring, and in that letter he says:—"The rebels have now in their ranks their last man. The little boys and old men are guarding prisons, guarding railroad bridges, and forming a good part of their garrisons for entrenched positions. A man lost by them cannot be replaced. They have robbed alike the cradle and the grave to get their present force."

construed to implicate General Babcock in these transactions. It was notorious then, and has since become the settled verdict of the entire nation, that the private secretary of the President was made the scape-goat of a scheme which had for its ultimate end the tarnishing of General Grant's good name, to enable a man who had never been heard of outside of his own State until Grant made him a member of his Cabinet, to creep by unworthy methods into the Presidential chair. It is now matter of history that Mr. Bristow's ambitious schemes were defeated in the Cincinnati Convention of 1876, which nominated Mr. Hayes of Ohio as President Grant's successor.

The officer against whom this unscrupulous persecution was directed had up to this time borne an unblemished reputation, and had already, though quite a young man, won for himself an honorable military and civil record in the service of his country. A native of Vermont, he entered West Point at the age of sixteen, graduating in 1861, when he went upon active duty as second lieutenant in the corps of engineers. After spending some time in Washington drilling the raw New England troops, he was assigned to duty in connection with the fortifications about Washington, and afterwards served on General Banks' staff in the Shenandoah valley. He first came into prominent notice when, as chief engineer of the Ninth army corps, he followed his command to Vicksburg. At the siege of that city, he was given charge of the outer line of the attacking works, opposite General Joe Johnston. General Grant visited these works a few days after their completion, and, being struck with the skill shown in their construction, asked for the officer who had raised them. This led to the first meeting between Grant and Babcock. Soon afterwards, when Vicksburg fell General Grant paid Colonel Babcock the special compliment of requesting his personal attendance at the ceremony of the surrender. When Grant received his commission as Lieutenant-General, he appointed Babcock to a position on his staff. From this time onwards the utmost confidence was reposed in General Babcock by his chief; and when Lee finally surrendered, it was to General Babcock that was deputed the honorable task of meeting the fallen Confederate chieftain to arrange all the necessary preliminaries for that ceremony which crowned the victory of the Union armies. A

friendship, thus commenced on the field, was continued after the war into civil life. The President chose his trusted companion in arms for his private secretary, and General Babcock filled that position at the time of these prosecutions.

The first intimation of a design to connect General Babcock with the whisky frauds came on the trial of Macdonald in November, 1875, when some of the distillers already convicted testified that Joyce had told them that Babcock was in the ring. No witness, however, ventured to testify to this as a fact within his own knowledge. Judge Krum, of St. Louis, who was defending Macdonald, immediately telegraphed to General Babcock informing him of this fact. The consternation and horror that would naturally possess a high-minded man of sensitive honor on hearing of such an accusation can well be imagined. General Babcock at once went with Krum's despatch to Mr. Bluford Wilson, the solicitor of the Treasury, and asked him what course he thought he ought to pursue for his own vindication. General Babcock wished to go to St. Louis and disclaim on oath all knowledge of or connection with the ring, but Mr. Wilson thought it unnecessary for him to do so, and Judge Krum wrote that upon reflection he thought it would be unwise for General Babcock to take any notice of a charge made in such a way. The contents of the despatch were stated to Attorney General Pierpont, who was still more emphatic in the expression of his opinion, stating that for General Babcock to go to St. Louis to vindicate himself against statements from such a source would be both "improper and unwise."

So the matter rested until the trial of Avery in the following week, when some telegrams from Babcock to Joyce and Macdonald were for the first time offered in evidence, and nearly at the close of that trial. "Precisely how they got in evidence," said Mr. Storrs afterwards, "no lawyer has ever yet been able to understand." In the course of argument as to their admissibility, General John B. Henderson, who had been engaged as special counsel to help District Attorney Dyer in the prosecutions, made a speech in which he accused the President of improperly using his authority to influence the action of the Commissioner of Internal Revenue, and while ironically and gratuitously exonerating the President from actual complicity in the ring, claimed that

the President had been grossly deceived and imposed upon by persons pretending to be his friends, both in Washington and St. Louis,—among which pretended friends he named General Babcock. He expressed his opinion that “General Babcock had performed his part” in connection with the ring, and alluded mysteriously to some secret knowledge possessed by the prosecuting attorneys.

Instantly upon the report of Henderson’s speech coming into his hands, General Babcock sent the following telegram to District Attorney Dyer:

“I am absolutely innocent, and every telegram which I sent will appear perfectly innocent the moment I can be heard. I demand a hearing before the Court. When can I testify?”

To this the following reply was received by him on the same day:

“The evidence in the Avery case is closed. The next case involving questions of conspiracy is set for the fifteenth of December. David P. Dyer, District Attorney.”

General Babcock thereupon addressed a letter to the President, setting forth these facts, and concluding thus:

“The opportunity to answer the charges contained in the above speech having been thus denied me, and being left without any opportunity to vindicate myself, I respectfully demand a court of inquiry, and request that an immediate investigation be ordered.”

The President made the following endorsement upon this letter the following day, December 3, 1875:

“The Secretary of War may convene the court of inquiry asked for. (Signed.) U. S. Grant.”

A court of inquiry was accordingly ordered to assemble at Chicago on the 9th December, consisting of Lieutenant-General Sheridan, Major-General W. S. Hancock, and Brigadier-General Terry, with Major A. B. Gardner as Judge Advocate. On the 15th, the court of inquiry was dissolved by order of the President, General Babcock having in the meantime been indicted at St. Louis.

It is perhaps only fair to the officials of the Government to say that they were not the first to try to involve the White House in the disgrace which had befallen the ring conspirators.

From the first, Joyce and McDonald had sought to impress the distillers with the idea that they had friends in influential station in Washington, and that the money which they were stealing was being used for political campaign purpose in the interest of General Grant's administration. They adroitly, as we shall soon find, concocted a correspondence with both the President and General Babcock, the answers to which must inevitably be so worded as to confirm the idea that their practices were known and tacitly permitted by the Executive. One of the convicted distillers was said to have declared that they were perfectly safe, inasmuch as they could "fix things to bring Babcock and other high officers into the scrape, and the President, who would be a candidate again, could not afford that." The statements of Joyce and McDonald, industriously circulated, that the stealings of the ring were devoted to a corrupt campaign fund, were eagerly believed by the opponents of the administration, who in the State of Missouri were of course very numerous, and whose ranks had lately been increased by the defection of Carl Schurz, then U. S. Senator from Missouri, and other equally prominent politicians, from the Republican party. They were taken up by the organs of Bristow and of the Democratic party in the public press, and Grant and Babcock were already condemned and sentenced by able editorial jurists before a word of testimony had been taken. As in this country everybody forms his opinion, to some extent at least, from the newspapers, the minds of the people in Missouri were made up, and there was but one opinion pervading the community as to General Babcock's guilt.

The height to which popular prejudice ran was strikingly exemplified in the case of Mr. McKee of the *Globe-Democrat*. His case differed from all the others in this respect, that the only testimony against him was that of Megrue and some of the conspirators who were already convicted; and the eminent judge before whom these trials were all conducted, Judge Dillon, in a careful charge, warned the jury that the evidence of these persons although admissable to prove any acts of the defendant in furtherance of the conspiracy, ought to be received with extreme caution, and carefully scrutinized and considered in the light of the surrounding circumstances. The charge was generally regarded as strongly in favor of the defendant, and people of both po-



itical parties were astonished at the conviction of McKee on such slender and suspicious evidence after so favorable a charge. The leading counsel for Mr. McKee's defence was Dan Voorhees of Indiana, now U. S. Senator from that State. It is said that after the verdict was rendered, a St. Louis lawyer, not distinguished for the elegance of his attire, met Voorhees and remarked that he could point out where the weak point in the case against McKee was. Voorhees shook his head mournfully, and replied,—“If you had gone before that jury with a boiled shirt on, you couldn't have cleared your Saviour.” It was with such a bitterly prejudiced public sentiment that Mr. Storrs had to contend from first to last in the defence of General Babcock.

The correspondents of the press at Washington, St. Louis, and elsewhere, kept up an incessant stream of highly spiced gossip, all tending to smirch Babcock, and keep alive the popular impression which they had created that Babcock was guilty. The newspaper and popular verdict was thus made up before the case was tried. One writer said,—“The ring went to Avery for information, but relied on Babcock for influence.” This was after the proof in the case clearly showed that Babcock had given the ring no information whatever, and was intended to make it appear that President Grant had really been corrupted through his means. A more disgraceful Presidential “boom” never was known in this country than that in aid of Bristow's nomination in 1876. Of course, the shrewd Secretary of the Treasury saw at once the advantage which this newspaper clamor against Grant and his trusted secretary was giving him; and his subordinate officers, the solicitor to the Treasury and the District Attorney at St. Louis, were willing to help him to the best of their ability. General Henderson passed the bounds of discretion in his zeal to oblige the Secretary whom he looked upon as the rising sun. One of the subordinate officers of the Government at St. Louis, Major Eaton, telegraphed to the solicitor to the Treasury immediately on the close of the Avery trial:

“Nov. 29, 1875. In three separate telegrams I have sent you the language, dates, and parties to ten telegrams between here and Washington. Henderson, Dyer, and myself regard the prosecution of Babcock as now an inevitable duty. We wish you to lay these telegrams before the Secretary and Attorney General to-night if possible, and that you see to the fullest compliance with *sub p̄ana duces* sent on Saturday. Henderson skillfully made a neat vindication of the President in course of proceedings.”

After the indictment of General Babcock, the newspapers fairly bubbled over with all kinds of gossip, the organs of Bristow even outdoing the Democratic papers in the virulence of their comment. District Attorney Dyer paid a visit to Washington, and immediately there came out in a Bristow paper a dispatch from its Washington correspondent, giving an account of a pretended interview between him and Attorney General Pierrepont in the presence of Secretary Bristow, in which it was said,—"Pierrepont told Dyer that he must return to St. Louis, and proceed according to his own pleasure, but he explained that the evidence against Babcock ought to be very sure and strong to justify an indictment; that it would produce great scandal, deeply mortify the President, and, if not sustained by a verdict of guilty, would do great harm to all concerned. Bristow remarked rather tartly, 'Do your duty, General Dyer, and the consequences will take care of themselves.'" This entire story, so far as it is related to himself, Mr. Pierrepont denounced as untrue. If true to the letter, it contained nothing to his discredit, but it showed very obtrusively the *animus* of the paper in which it appeared, to hold Bristow forth to the world as a public spirited officer, who, in his Brutus-like virtue, would not spare even the President himself.

What the President thought of Mr. Henderson's "neat vindication" was shown by his dismissal, immediately after the close of the Avery trial, from the further prosecution of these cases, and the appointment of General Broadhead of St. Louis in his place. Immediately there was a howl in all the Democratic papers, and all sorts of accusations were brought against the President. The Washington correspondent of the *St. Louis Republican* ventured to say,—“Grant does not dare order a *nol. pros.* in Babcock's case, but it is certain he has only been prevented from so doing by Pierrepont, and there is authority beyond contradiction for the statement that he did actually order the whole proceedings against Babcock stopped before the dismissal of Henderson, and that action would have been taken if the indignation over Henderson's discharge had not frightened Grant too much." Honored as only two occupants of the Presidential chair before him have been,—known and loved as he is now known and loved,—it is impossible to recall such a diatribe as this against the grand, silent hero without a blush of indignation,

Henderson did not take his dismissal with a good grace, but for once confided in the correspondent of a Democratic newspaper, who reported him as "talking with a little party of friends,"—of whom the writer was no doubt one,—and saying, "I doubt if people really understand how strong this case is against Babcock. It ought to be presented to the public all together and connectedly. The papers have published the evidence piece-meal, and then the telegrams by themselves, and very few, aside from the attorneys in the case, understand how complete is the web of proof." When the case was presented to the public "all together and connectedly," the public saw fit to reach the very opposite conclusion from that arrived at by General Henderson.

The attitude of the President, while newspapers of the copperhead and mugwump stripe were busy defaming him, holding him personally responsible for the wrong-doings, alleged or actual, of men who owed their commissions to him, was the same as always characterized him in all the crises of his fortune. Magnanimous, brave, as he had been under the fire of detraction in the early stages of the war, he regarded this new phase of copperhead warfare with the same calm indifference, trusting to the good sense of his countrymen in the long run to do him justice. When he was informed by a friend in St. Louis, a few weeks after the seizure of the distilleries, that an effort was being made there to connect his name with the whisky frauds on account of his acquaintance with Macdonald and Joyce, and that he was being slanderously assailed by members of the ring, he quietly sent the letter to Secretary Bristow with the following endorsement:

"July 29, 1875. Referred to the Secretary of the Treasury. This was intended as a private letter for my information, and contained many extracts from St. Louis papers not deemed necessary to forward. They are obtainable, and I have no doubt have been read by the Federal officials in St. Louis. I forward this for information, and to the end that if it throws any light upon new parties to summon as witnesses they may be brought out. Let no guilty man escape if it can be avoided. Be specially vigilant, or instruct those engaged in the prosecution of fraud to be, against all who insinuate that they have high influence to protect them. No personal consideration should stand in the way of performing public duty.

"U. S. GRANT."

Secretary Bristow caused the endorsement to be copied, and it

was given to the public. It was acknowledged on all hands that the prosecuting officers were materially aided by these manly words of encouragement and cheer, and the ring in St. Louis was proportionately demoralized. Nevertheless, the party organs would not take General Grant at his word, and went on circulating their defamatory statements concerning him, just as though he had been proven to have in any way, by word or act, aided the ring. The President never suffered himself to be moved from his wonted serenity, and trod the path of duty, now made for him a very thorny one, with as much apparent unconcern as though the newspapers that abused him had no existence. But he refused to be "vindicated" in General Henderson's "neat" fashion. He would not allow a stain of suspicion to rest upon his name, and this must have remained had it been possible to believe that his private secretary, or anybody else, had influence enough to turn him from the course of his plain duty in the interests of any ring. He felt keenly that the attack upon Babcock was really an assault upon himself as President. He knew that Babcock was innocent of the charge made against him. The moment that General Henderson's speech was made public, General Babcock went to the President and explained all there was requiring explanation in regard to the telegrams by which it was sought to connect him with the St. Louis ring. They were all susceptible of explanation consistent with the entire innocence of General Babcock; and as to some of them, President Grant himself remembered the circumstances of their origin so clearly that he was satisfied that this explanation had only to be made to the country, and his private secretary would be fully vindicated. He was not a man to desert his friends in the hour of peril; indeed, the steadfastness with which he stood by them until it had been proved that they were unworthy of the confidence he had placed in them was one of the heaviest accusations,—the only one, in fact,—that ever was brought against this great soldier and statesman by his bitterest opponents in political life. He was sure of the entire innocence of General Babcock; he knew the purpose for which Babcock was assailed; he never took the slightest notice of the attacks made upon himself by the American press, but he stood by his friend all through the terrible ordeal to which he was subjected. To one who conversed with him on

the subject just after General Babcock had been indicted, he said:

"My confidence in General Babcock is unimpaired and undiminished. With the light before me to-day and my knowledge of the man, if the Government had any great work on hand requiring the services of a skillful and faithful man as engineer, I know of no one whom, as Executive, I would select in preference to General Babcock. The work he has done in this city (Washington) is proof, as far as can be, of the correctness of this estimate. Since his time as Acting Commissioner of Public Grounds and Buildings in Washington, members of Congress, in speaking of his work and the improvement of the public grounds, have expressed great satisfaction, and have said to me: 'Now we can see where the public money goes.' There never has been a deficiency with General Babcock since his time as Acting Commissioner."

And on the very day after the indictment was found, and he had ordered the dissolution of the Chicago court-martial, he addressed the following letter to the sorrowing wife of his maligned secretary:

"WASHINGTON, December 17th, 1875."

"EXECUTIVE MANSION.

"MY DEAR MRS. BABCOCK :—I know how much you must be distressed at the publications of the day reflecting upon the integrity of your husband, and write therefore to ask you to be of good cheer and wait for his full vindication. I have the fullest confidence in his integrity, and of his innocence of the charges now made against him. After the intimate and confidential relations that have existed between him and myself for near fourteen years, during the whole of which time he has been one of my most confidential aides and private secretary, I do not believe it possible that I can be deceived. It is scarcely possible that he could, if so disposed, be guilty of the crime now charged against him without at least having created a suspicion in my mind. I have had no such suspicion heretofore, nor have I now. His services to the government, in every capacity where he has been employed, have been so valuable, and rendered with such a view to its good, that it precludes the theory of his conspiring against it now.

"My confidence in General Babcock is the same now as it was when we were together in the field, contending against the known enemies of the government.

"With great confidence in the full vindication of him, I remain very truly,

"U. S., GRANT."



## CHAPTER XXII.

### THE TRIAL OF GENERAL BABCOCK.

#### I.

##### THE PROSECUTION.

MR. STORRS RETAINED AS LEADING COUNSEL FOR THE DEFENSE OF GENERAL BABCOCK—OPENING SPEECH OF DISTRICT ATTORNEY DYER—CONMEGRUE'S EVIDENCE RULED OUT—MR. STORRS' CROSS-EXAMINATION OF THE GOVERNMENT WITNESSES—WHERE THE RING GOT THEIR INFORMATION OF THE COMING OF REVENUE AGENTS—A CONSCIENTIOUS GAUGER—TESTIMONY OF ABIJAH M. EVEREST—JOYCE'S HOCUS POCUS WITH THE TWO \$500 BILLS—TESTIMONY OF THE COMMISSIONER AND DEPUTY COMMISSIONER OF INTERNAL REVENUE—ARGUMENT ON ADMISSION OF TELEGRAMS—"CHOPS AND TOMATO SAUCE"—HOW COLONEL BROADHEAD ACCENTUATED A TELEGRAM—JOYCE'S DECLARATIONS RULED OUT—TESTIMONY OF REVENUE AGENT BROOKS—THE GOVERNMENT CASE CLOSED.

MR. STORRS, reputation as a brilliant, shrewd, sagacious lawyer was now fully established. He stood at the head of his profession in Chicago as a successful jury lawyer, and the better informed of his legal brethren, both on the bench and at the bar, had long ago begun to recognize that behind an almost flippant readiness in all emergencies there was a solid reserve of careful and laborious preparation, and that his sparkling wit and humorous repartee were merely accessory to sound learning and thorough mastery of all the points involved in the case with which for the time being he had to deal. He had argued cases before the Supreme Court of the United States at Washington, and distinguished himself in the presence of that imposing forum by the clearness of his logic, the luminousness of his statements of fact, and his rare and happy faculty of hitting the very core of the questions at issue, and impressing the Court, as he had

so many times impressed juries, with the force of the reasoning he could bring to bear in favor of his own positions. The crowning triumph of his career at the bar was achieved when he was selected as the leading counsel for the defence of General Babcock at St. Louis. The trial was one of national importance, made so by the urgency with which the mugwumps and Democrats all over the country clamored in advance for a conviction, and the equally firm determination of the President and his friends that justice should be done. To have the principal management of so great a case entrusted to him at this time brought Mr. Storrs thenceforward into the front rank of American advocates.

The trial of General Babcock for complicity in the St. Louis whisky frauds came on in the United States Circuit Court at St. Louis, on the 8th of February, 1876. The Judges before whom the case was tried were men of the highest reputation as jurists. Judge Dillon was known to every student as an authority on the law of corporations, and had only narrowly missed being appointed Chief Justice of the United States. His associate, Judge Treat, was one of the oldest Judges in the country. The counsel for the prosecution were all well-known in the State of Missouri. Colonel Broadhead, who relieved General Henderson after his speech in the Avery trial, had been a gallant Union soldier, and besides serving his State in both branches of the legislature, had filled the office of United States District Attorney at St. Louis. General Dyer, who was now District Attorney, studied law in the office of Colonel Broadhead. Messrs. Eaton, Bliss, and Pedrick were the assistant attorneys for the prosecution.

Associated with Mr. Storrs for the defence were two gentlemen who had already held a conspicuous place before the public as lawyers of the foremost rank. Judge J. K. Porter of New York had just come out of the long, protracted and sensational Beecher-Tilton case, in which he made a memorable speech for the defence, and everybody recollects how ably he afterwards led for the prosecution in the trial of the assassin Guiteau. With them was ex-Attorney General Williams, who had been Chief Justice of the Territory of Oregon, and its representative in the United States Senate when it was admitted as a State. He was a member of the High Joint Commission on the Alabama claims,

and Attorney General of the United States from 1871 to 1875. The local attorneys for the defence were Judge John M. Krum and his son, Mr. Chester H. Krum.

Judge Porter having only arrived in St. Louis the previous day, an adjournment was asked by Mr. Storrs and allowed, to give the defendant's counsel an opportunity for consultation; and the trial commenced on Tuesday, February 9th, lasting nearly to the end of the month. By agreement, the jury was drawn from the remnant of the September panel and a subsequent special venire, the names of the whole number being drawn at random on written slips shaken up indiscriminately in a box. No technical challenges were resorted to by the defence, and in a surprisingly short time a jury was obtained,—the political prophets who expected a vigorous fight on the part of the defendant in the selection of a jury being egregiously out in their calculations. General Babcock's counsel thus showed at the outset their absolute confidence in the merits of their case and their client. The opening speech for the Government was made by District Attorney Dyer. After reciting the history of the St. Louis ring, of which an outline has already been given, he came down to the point where it was expected that the prosecution would be able to prove the connection of General Babcock with the conspiracy. This was to be done by the introduction of the telegrams on which General Henderson based his remarks in the Avery case.

Collector Ford had died in Chicago in October 1873, while on a visit to friends there. Joyce thereupon opened a correspondence with General Babcock as to the appointment of a successor to Ford, giving Babcock to understand that he wished to have the vacant place. General Babcock laid Joyce's application before the President; but General Grant decided, that as Mr. Ford had died away from home, and his accounts might have to be settled up, the bondsmen of Collector Ford should be allowed to recommend a successor. General Babcock therefore telegraphed back to Joyce in these words:—"See that Ford's bondsmen recommend you for Collector for this district." Joyce telegraphed back,— "The bondsmen prefer the man that they have recommended," and a telegram was sent to the President by these bondsmen, recommending Colonel Constantine Maguire. The President thereupon appointed Maguire; but Joyce again foisted himself upon

the attention of the secretary with a despatch—"See the despatch sent to the President; we mean it; mum." It was quite clear,—and the case for the defence, when it came to be presented, left no room for doubt,—that Joyce had nothing whatever to do with securing the appointment of Maguire as collector at St. Louis. But the prosecuting attorneys saw something suspicious in the words, "we mean it; mum;" and particularly in the last word, "mum." Mr. Dyer contended that this word indicated a secret understanding already established between Joyce and Babcock as to whisky matters in St. Louis. When the entire correspondence between Babcock and Joyce was put in evidence by the defence, it was seen to bear a perfectly harmless construction. Early in 1874, the Commissioner of Internal Revenue ordered Joyce to go to San Francisco, and the point was made by the District Attorney that this was done by Commissioner Douglass because he had begun to suspect Joyce's integrity. When the Commissioner came on the stand as a witness for the Government, however, he did not sustain this view of his action. Just before Joyce left, he telegraphed to General Babcock,—“Make D. call off his scandal hounds, that only blacken the memory of Ford and friends.” This was construed to mean that Babcock knew of previous frauds to which Ford was a party, and was asked to use his influence with the Commissioner to prevent investigation. Joyce was absent from St. Louis for some months, during which no illicit whisky was made; but directly on his return operations were resumed. He gave Fitzroy a memorandum of assignments of gaugers and storekeepers to the distilleries which he wished to be made, and Collector Maguire made the assignments in conformity with that list. Directly after this, Joyce visited Washington on the pretence of reporting in person to Commissioner Douglass as to his work in San Francisco, but in reality to find out what was being done in the way of sending out detective agents, and to ascertain the feeling of the Department. He telegraphed back to Macdonald,—“Things look all right here; let the machine go;” and two days afterwards he telegraphed to Macdonald,—“Matters are in good shape here; go it lively.” In October 1874, Joyce was advised by telegram from Avery of the raid which Commissioner Douglass was then preparing. The despatch was thus worded,—“Your friend is in New York,

and may come out to see you." The friend referred to was Mr. Brooks, one of the most trusted secret agents of the Treasury Department. On the 25th of that month, Joyce telegraphed to Babcock,—“Have you talked with D.? Are things right? How?” No answer to this telegram was found; in fact, none was sent. The next telegram from Joyce to General Babcock was dated December 3d, and was in these words,—“Has Secretary or Commissioner orderèd anybody here?” To this General Babcock replied, two days afterwards,—“Can't hear that any one has gone or is going.” Macdonald went to Washington in the early part of December, and on a visit to the Commissioner's office found a letter from Brooks to Deputy Commissioner Rogers, in which the proposed raid was discussed. He took a copy of the letter to General Babcock, and called his attention to the following passage in it:—“May I ask that any Western case you think we can work shall be put in such a state that we can take charge of it, and so make the trip profitable to the Department and satisfactory to ourselves.” The phrase, “satisfactory to ourselves,” he suggested to Babcock, had a blackmailing look, and asked the General to see Commissioner Douglass about it. In the meantime he himself went to Deputy Commissioner Rogers, and boldly made a protest, on the strength of the information the purloined letter had given him. He said to Rogers, “I don't want you to tell me anything, but I have something to tell you. You have ordered revenue agents into my district, and I protest against it. If your officers there are fit to be there, you ought to trust them; if not, turn them out.” Rogers never knew until the Avery trial how Macdonald came by his information, but seeing that the secret expedition which the Department had planned was known to Macdonald, it was abandoned. In a few days afterwards, General Babcock met Commissioner Douglass, and was informed by him that the contemplated raid was not to take place. Macdonald having appealed to him in the matter, General Babcock, as soon as he learned this, sent the following telegram to Macdonald.—“I have succeeded; they will not come; I will write you.” To this despatch he put the signature, “Sylph;” and the occult meaning of that word exercised the ingenuity of prosecuting counsel and newspaper reporters all through the trial. This telegram, with its unintelligible signature, was taken as proof that



Babcock was a member of the St. Louis whisky ring. Joyce undoubtedly used it among the distillers with a view to create that impression, and to reassure them in their manufacture of illicit whisky. In January 1875, Commissioner Douglass addressed a letter to the Secretary of the Treasury advising that the Supervisors and Revenue Agents be changed from one district to another, and under the order which the Secretary made, Macdonald and Joyce were transferred to Philadelphia, and the officers of corresponding rank there were ordered to St. Louis. Macdonald at once telegraphed to the Commissioners,—“Don't like the order; it will damage the Government and injure the administration.” Other Revenue officers protested, and the order was subsequently revoked by order of the President. It was charged that General Babcock had used his influence with the President to secure the revocation of this order; and this was the improper interference with the action of Commissioner Douglas to which General Henderson referred in his speech in the Avery case. In March, 1875, in answer to a letter from Macdonald about the movements in Washington of a citizen of St. Louis whom he supposed to be trying to oust him from his place, General Babcock sent Macdonald the following telegram:—“Letter received. Have seen the gentleman, and he seems very friendly. Is here looking after improvements of river.” This telegram was also put in evidence as proof of General Babcock's complicity in the whisky frauds; and the four despatches sent by him as above recited are positively all the documentary proof the prosecution were able to find against him.

The charge against General Babcock, then, as outlined by District Attorney Dyer, rested upon four telegrams sent by Joyce and Macdonald, and upon the peculiarly worded telegrams from Joyce to Babcock, which were construed as evidence that Babcock was a member of the St. Louis ring, and aiding its operations by his influence in Washington. In support of this theory, the prosecuting attorneys introduced the testimony of several of the conspirators, of the revenue agent Brooks, who made the final seizure, and of the Commissioner and Deputy Commissioner of Internal Revenue.

From the opening speech of General Dyer, it was apparent that the Government had mapped out an unnecessarily broad line of investigation, with the object of giving to the four telegrams of

Babcock a meaning which they did not on their face convey. The first witness called was Fitzroy, and he was interrogated as to the operations of the ring while Megrue was its chief director. To this line of investigation Mr. Storrs objected, because, as he said, "the conspiracy under Megrue was a complete and finished piece of scoundrelism in itself, and after he left, there was a period of sunshine upon honest whisky in St. Louis." There was no pretence that General Babcock had any connection with a ring in 1871. Megrue was on hand to testify to whatever the Government might ask; but the Court sustained Mr. Storrs' objection, and Megrue and all his unsavory revelations were ruled out. The investigation was thus narrowed down to the ring operations from 1873, when Joyce became its chief manipulator.

Several of the convicted distillers and rectifiers gave their testimony; and it may be as well here to give the substance of their statements, without regard to the order in which they were put upon the witness stand. They testified that in the fall of 1872 a revenue agent named Brashear was sent to St. Louis, for whom they raised \$10,000. One distiller said, "he caught us bad," but nevertheless, on receiving his bribe, he sent on a favorable report to Washington. In 1872, Joyce persuaded them to resume the making of illicit whisky, and one distiller testified that it was through Joyce's representations that he was induced to go into the business against his better judgment, and that Joyce was continually complaining that they did not make enough. Whenever a revenue agent was expected from Washington, Joyce always gave them notice of his coming, so that they could put their houses in order and no trace of crookedness be discovered. They had several notifications of this kind during the fall of 1874. Mr. Engelke, a rectifier, said that during 1873, 1874, and the spring of 1875, there never was a revenue agent in St. Louis whose coming was not known beforehand. On one occasion Joyce showed him a telegram in the Planters' House, folding the signature underneath so that he could not see it; and on the information conveyed in that telegram he straightened up his house. Mr. Bevis, of the firm of Bevis & Fraser, distillers, testified that his house was informed in December 1874 of a raid to be made by Mr. Brooks and another revenue agent named Hoag; but afterwards Joyce showed him and his partner a letter which reassured them, and they went on making illicit whisky down to January 1875.

The cross-examination of these witnesses was admirably managed by Mr. Storrs. It has been universally acknowledged that in the art of handling a witness, and getting out just what he wanted and no more, Mr. Storrs was as consummate a tactician as he was eloquent and convincing in argument. This was never better proved than during the Babcock trial. Although he only cross-examined one of the distillers himself, he directed and shaped the course to be taken in the cross-examination of all of them. That there had been a conspiracy was taken for granted; and the cross-examination was strictly confined to bringing out facts which would be serviceable to the defence. All the distillers were interrogated, therefore, mainly as to the proceedings of the revenue agent Hoag, who visited St. Louis with Mr. Brooks in the spring of 1874 to investigate as to the burning of the books at Bevis and Fraser's distillery, which contained damaging evidence of previous frauds. Mr. Brooks found sufficient material to enable him to go before the grand jury and have Bevis and Fraser indicted, and they compromised the case by paying to the Government \$40,000. During the stay of Hoag in St. Louis, the distillers raised for him \$10,000. "This money was raised," said one, "because Hoag was the confidential agent of the Revenue Department, and was consulted a good deal in regard to raids to be made, and could give us a good deal of information." Another said, "The money to Hoag was paid for a favorable report, keeping his hands off in future, and keeping us apprised of future movements." This was rendered still more explicit by Mr. Storrs' cross-examination of Fraser, and we cannot do better than give a few of Mr. Storrs' incisive questions, and the answers of this witness:

"Q. 'Do you know John T. Hoag? A. Yes, sir.'

"Q. 'How long have you known him? A. I met him here, I think, in April or May, 1874.'

"Q. 'Did you have any conversation with him in April or May, 1874, about whisky matters? A. Well, Brooks and Hoag came here to investigate affairs here.'

"Q. 'And they did investigate affairs did they? A. Yes, sir.'

"Q. 'Did you make Hoag's acquaintance during the investigation? A. Yes, sir.'

"Q. 'That was the time you were taken into camp and made to pay about \$40,000, wasn't it? A. Yes, sir.'

"Q. 'Did you make the acquaintance of Hoag pretty intimately at that time? A. No, sir.'

"Q. 'Did you have a pretty thorough knowledge of him in any way, direct or indirect, at that time? A. Well, I met him several times.'

"Q. 'Did you ascertain, at that time, that he was susceptible to bribes? A. I did not at that time.'

"Q. 'When did you first discover that he was pliant? A. I think it was some time after that.'

"Q. 'During the summer of 1874? A. Yes, sir, either the summer or fall.'

"Q. 'You had telegraphic communication with John T. Hoag during the summer of 1874 didn't you? A. I think I had some communication with him in the fall or winter of 1874.'

"Q. 'Did he give you information as to contemplated raids here? A. He did.'

"Q. 'There is no doubt about that, is there, Mr. Fraser? A. No, sir.'

"Q. 'How much did you pay for that information? A. Ten thousand dollars.'

"Q. 'Did you pay it to him after the information was given or before? A. I think he gave me the information afterwards.'

"Q. 'Isn't it a fact that information communicated to one distiller was, 'in your usual course of business,' communicated to the others—that which was of interest to them, so far as seizure and raids were concerned? A. Yes, sir.'

"Q. 'You all had a common interest in that business? A. Yes, sir.'

"Q. 'When, to your knowledge, was Hoag first seduced? A. I had a conversation, I think, with Hoag, some time in November or December, '74. My impression is, it was in November. I am not certain about that.'

"Q. 'Did he express any anxiety to render you service, or the distillery interests generally? A. Yes, sir.'

"Q. 'He was quite willing to arrange it for a consideration? A. Yes, sir.'

"Q. 'Didn't you receive, on the 5th of April, '75, a dispatch from him at Xenia, Ohio? A. I don't know.'

"Q. 'I will read you the dispatch: 'Have to go to Indiana, Monday. Can you come there—Bates House? Bixby.' Did you receive such a dispatch as that? A. I may have received it.'

"Q. 'Do you remember it now, your attention having been called to it? A. We received some dispatch to meet him in Indiana; I don't remember the wording of it.'

"Q. 'April 8—Cleveland—'Your letter forwarded here; report about B. [Brooks I suppose] 'coming to St. Louis incorrect; he is here with me; Bixby.' Do you remember receiving such a dispatch as that? A. I may have received that dispatch.'

"Q. 'Now, Mr. Fraser, please think about it? Can't you put that a little stronger; you may have received it? A. I have nothing to fix the matter in my mind; I don't remember positively.'

"Q. 'Don't you think you received a dispatch of this character—this is of some importance, we think—'your letter forwarded here; report about B. coming to St. Louis—that's Brooks? A. Yes, sir.'

"Q. 'Did you not, on or about April, 16th, '75, receive this dispatch:

'Did you get my telegram; would rather see you here. If you want to see me, answer.

"BIXBY.'"

"Q. 'Do you remember meeting Hoag in response to that? A. I remember meeting him once; I don't know whether it was in response to that.'

"Q. 'Do you remember meeting him in Cincinnati? A. Yes, sir.'

"Q. 'Bixby' was his assumed name, was it not? A. Yes, sir.'

"Q. 'Were you in communication with Hoag frequently? A. Whenever I had occasion to communicate with him, I did.'

"Q. 'And he communicated with you whenever he thought it was necessary? A. Yes, sir.'

"Q. 'Kept you well posted from the time he was 'retained' by you, as to contemplated raids in St. Louis? A. I suppose he did.'

"Q. 'Don't you know he did, as results have turned out? A. Yes, sir.'

"Q. 'He was in a position to know, wasn't he, and you considered him a faithful and vigilant servant for the distilling interest in St. Louis? A. Yes, sir, we considered him trustworthy.'"

Mr. Barton, the manager in St. Louis for Bingham Brothers, who lived in Indiana, testified that the distilleries had to shut down even on crooked whisky because the market was glutted, —the honest tax-paid product having been fairly beaten out of the market. Mr. Bingham once sent him a letter signed "Bixby," giving notice of the coming of revenue agents.\*

The testimony of the distillers on the part of the Government was supplemented by that of the revenue officers who acted as ring collectors. Fitzroy we may speedily dismiss. Having told the story of the doings of the ring while he was its collector, he testified that in the spring of 1875 he raised \$5000 from the distillers on a pretence that Macdonald was going to Washington to use it for the purpose of preventing seizures, and that if Macdonald did not succeed in this it was to be returned. He also admitted having been at the Collector's office one Sunday in November 1873, when Joyce and Bevis and others burned some forms of reports to the Collector which contained evidence of fraud at Bevis and Fraser's distillery, which was followed up by the destruction of Bevis and Fraser's distillery books, the investigation into which resulted in their being indicted and settling for \$40,000. A gauger named Bassett gave an interesting piece of testimony, to the effect that he "neglected" to cancel the revenue stamps at one of the distilleries so that they might be used over again, and found in his overcoat pocket next day an envelope containing \$100. After this he was careful to neglect



the canceling of the stamps, and the surreptitious packages that found their way into his overcoat pocket increased in value to \$150 and sometimes \$200. One day such an envelope was laid on his desk, and finally Bevis had courage enough to hand the bribe to him in person. His view of the transaction was elicited on cross-examination by the counsel for the defence; "I did not take the money as a bribe; it was an accommodation both ways."

Every day of the trial had its sensational features for the newspapers, and on the second day much excitement was caused by the announcement that the counsel for the defence intended to take the President's deposition. "At this moment," says a newspaper report, "no man drew a breath that could be audible, and intense attention was bestowed to the lightest word. The idea of bringing the evidence of the Executive of the Nation in defence of one of his trusted officers appeared to strike everybody as though it were new. The possibility of this thing had been hinted at for some days, but this fact when presented in its naked certainty, seemed to make an impression altogether unlooked for."

Mr. Storrs asked for an adjournment in order that counsel on both sides might consult and settle upon interrogatories to be forwarded to Washington and answered by the President. He said,—"We had intended, at first, to have the personal attendance of the President as a witness in this case, but from the way the case stands now we think we can dispense with his personal attendance. We are anxious to do this in consequence of the difficulty of securing his presence, owing to the exigencies of public affairs, requiring his attendance at Washington. We desire the counsel on the other side to proffer with us the interrogatories to be made of him, and then to have his testimony taken before the Chief Justice." In this proposition the counsel for the Government concurred, and after recess General Dyer asked for a further adjournment for the day, stating that the prosecution wished to prepare counter-interrogatories and send a messenger with them to Washington without delay. In granting the adjournment, Judge Dillon said,—“It is well known to us that the Congress of the United States is in session, and the statement made by counsel as to the inexpediency of the President of the United States leaving the capital at this time is probably correct, and it may save time to allow the parties to devote the afternoon for that testimony.”

On the third day a new sensation was developed, when the truant ring collector, Abijah M. Everest, was put upon the stand to tell all he knew about the doings of the ring. Important revelations, directly connecting General Babcock with the St. Louis ring, were expected from this witness. Down to this point there had been nothing of the sort; but now the Government expected to supply the connecting link. After stating in lengthy detail his own proceedings as ring collector, and telling how he was sent by Joyce in April 1875 to get \$5000 from Fraser, which Joyce told him Macdonald was going to take to Washington "for our friends," he was led by General Dyer directly up to the point where it was to be made to appear that he knew of Joyce sending two \$500 bills by mail, one to Avery and the other to General Babcock. The crowded audience listened with breathless interest while he testified that in the latter part of February 1875, Joyce gave him a package containing \$1000 in small bills, and asked him to go to the Sub-Treasurer's office and have them changed into two \$500 bills, which he did, and carried the two \$500 bills back to Joyce. His account of Joyce's behaviour on this occasion we prefer to take from the verbatim report:

"Q. 'I will get you to state whether, in 1875, at any time before April, you were present in the office of the Supervisor, and had a conversation with Joyce in reference to money at any time other than the day you met them each week? A. I remember, in 1875, he was—'

"Mr. Krum. 'When.'

"Q. by Mr. Dyer: 'State when and where you had a conversation with him in reference to the matter. A. It was in the Supervisor's office in 1875.'

"Mr. Krum, 'When? A. February or March—along, I think, in the latter part of February.'

"Q. by Mr. Dyer: 'Well? A. He asked me about—'

"Mr. Storrs. 'One moment—'

"Mr. Dyer. 'This is an act, or accompanying an act.'

"Mr. Storrs. 'I would like to have the witness receive the same admonition from your Honors that he has already received.'

"Q. by the Court: 'Was this conversation in connection with any act that Joyce requested you to perform? A. Yes, sir.'

"Q. 'Did you perform that act? A. I did.'

"The Court. 'Go on.'

"Witness. 'He gave me a package of one thousand dollars and told me to go to the Sub-Treasurer's office and have it changed into two five hundred dollar bills.'

"Q. 'State what the denominations of the bills you carried to the Sub-Treasury were? A. Some of them were ten dollar bills, some fifty, and perhaps some twenty dollar bills.'

"Q. 'Well? A. I gave him the two five hundred dollar bills; I went back to the office and gave them to Colonel Joyce.'

"Q. 'Who was in the office at the time? A. Nobody.'

"Q. 'After you gave him the bills, what did he do with them? A. He separated the bills and looked at both of them, and he picked up two envelopes, laying on the desk, and put them in the envelopes.'

"Q. By the Court: 'Into separate envelopes? A. Yes, sir.'

"Q. By Mr. Dyer: 'Go on and state now, in your own way, what he did, and what you did? A. I gave him the money and he took up the envelopes, both of them, and put one bill in one envelope and I presume the other in another—'

"Mr. Storrs. 'Hold on; we don't want a particle of presumption.'

"The Court. 'State what you know.'

"Witness. 'He picked up both envelopes, examined the bills, took one \$500 bill, put that in an envelope, and transferred it to the rear of the other one. He then pulled out a letter, and placed the other \$500 bill in the other envelope.'

"Q. 'Then what did he do? A. He then sealed the envelopes, and he talked a little while, and he gave me the envelopes to put in the Post-office.'

"Q. 'When he gave you them, what did he say to you? A. He asked me if I wouldn't put them in the box, across the street from his office, which I did.'"

General Dyer's next question was whether Everest observed the addresses on the envelopes. To this question the defence objected, and the remainder of the forenoon was taken up with argument on the competency of the evidence. Judge Krum contended that it was inadmissible unless the prosecution were prepared to follow it up by proof that General Babcock actually received the letter. Judge Porter followed, insisting that the Government must first show by direct proof that General Babcock was a party to the conspiracy, before they could introduce acts or declarations of any of the other conspirators to bind him. The mailing of a letter to him by one of the conspirators would not prove him to be a conspirator. No connection had yet been shown between General Babcock and the parties in St. Louis.

Mr. Storrs argued that to admit this evidence in the present state of the case would be "a violation of the fundamental principles of evidence which are based on the sound construction of public policy, the maintenance of which is indispensable for the

protection of private rights and civil liberty. The danger," he said, "attending prosecutions of this character is one which has brought this class of actions into such disfavor, wherever the common law prevails, that a man may be indicted and convicted not from any word he has ever uttered, not from any act he has ever done, but by the utterance and from the acts of others; and it is because of this distinguishing feature about it that for the last two hundred years the wisdom of the wisest men that have ever presided in courts of justice has been directed to restraining testimony within the narrowest possible limits, because by its enlargement persecution might succeed and the innocent might suffer. We have not yet reached that stage," he said, "where there is any certainty that the money went into the envelopes. The process of handing them, the dexterous manipulation of them, is already detailed by the witness, and the carrying of them to the letter box and the depositing of them; and they now propose to prove that one of them was addressed to General Babcock. Now, so far as the declarations which accompanied these acts are concerned, I ask your Honors to pause and consider—are they Mr. Babcock's? Twelve hundred miles of distance separated him from the spot where this act was performed. Hence the declarations are not admissible to convict him. If they are acts, whose acts? We are willing to stand by our acts. They are not the acts of Babcock. No pretense is made that they are his acts, but the acts of Joyce and the witness on the stand.

Mr. Storrs contended that the receipt of this \$500 had not been and could not be proven, and this evidence having no tendency to establish General Babcock's connection with the conspiracy, it ought to be excluded. At the afternoon session Judge Dillon gave the decision of the Court, overruling the objections and admitting the evidence, not as raising a conclusive presumption that Babcock received the letter, but as tending to show that fact. Referring to and overruling Mr. Storrs' objection that the evidence, even if allowed, had no probative force, he said:

"If it was admitted here by the counsel for the Government that this was all the evidence which they expected to produce for the purpose of connecting the defendant with the alleged conspiracy, its inconclusive character standing alone, in a case where the defendant's mouth is sealed, would doubtless be such as that the court would be bound to say to the jury that it could not be safely made the basis of a conclusion inculcating the defendant.

"It may not have been actually received; the writer may not have been known; his purpose may not have been known, or the person who received it may not have known why it was sent, or may not have invited it, or have known that it was in any way connected with the guilty purpose ascribed to it by the prosecution, or any illegal purpose or plan; and, as men act differently under the same circumstances, it is for the jury, under proper instructions from the court, to look at the letter, if it was sent and received, in connection with all the other circumstances in evidence."

The court having admitted the evidence, Everest was again called to the stand, and General Dyer attempted, by a leading question, to make the witness swear that the two \$500 bills were actually, to his knowledge, put into the envelopes and mailed. How watchfully this was met and prevented by Mr. Storrs from going on record is best shown by recurrence to the verbatim report:

"Colonel Dyer (to the witness.) 'You stated, Mr. Everest, that Colonel Joyce, on the occasion referred to by you, handed to you two sealed envelopes, containing two \$500 bills?'

"Mr. Storrs. 'I object to the question; I object to the statement of the question by the counsel.'

"Judge Dillon. 'Let the witness restate what he said in that regard.'

"Colonel Dyer. 'Restate, then, if you please, to the jury, what you said in regard to the two envelopes after you received them from Joyce. A. When Colonel Joyce handed me those two envelopes he directed me to put them in the letter-box opposite the office, which I did.'

"Q. 'Where was Joyce at the time you deposited the letters in the letter-box? A. He was watching me from the window.'

"Q. 'At the time you deposited the letters, did you observe him at that time? A. I saluted him and he saluted me.'"

He then testified that he observed the addresses on the envelopes, and that one was to W. O. Avery and the other to General Babcock.

He was put through a searching cross-examination by Mr. Storrs. "Everest evidently expected to get a pretty rough handling, and he got it, but not, perhaps, in the precise way he had anticipated. Mr. Storrs' manner, while perfectly urbane—in fact, oppressively polite—was sufficient to bring the beads of perspiration profusely on to the brow of the witness, who tried his best to testify only to what suited himself, but who found that very thing just an impossibility. He was taken and twisted about in all sorts of ways; his answers to apparently trivial questions were retorted on him with a rasping sarcasm which was all the more



severe that it was done in such an excessively amiable way; he was held up to ridicule and pursued to contempt, and finally was made to admit that he did not see the money put into one of the envelopes, and could not be positive that it had been sent at all to the defendant. He was furthermore compelled to admit on three several occasions that he had informed Colonel Dyer as to his want of positive knowledge as to the fact he had but recently sworn to."

One brief extract from this cross-examination will be sufficient to illustrate Mr. Storrs' method:

"Q. 'Can you fix the date accurately as to when you mailed these envelopes to which you have testified? A. No, sir, I cannot.'

"Q. 'Can you tell us the month? A. It was in the early part of February or March.'

"Q. 'February or March, 1875? A. Yes, sir.'

"Q. 'Where did you receive this money in the first place? A. In the Supervisor's office.'

"Q. 'Who was present? A. Nobody.'

"Q. 'You first brought the two \$500 bills to Colonel Joyce? A. Yes, sir.'

"Q. 'Now, will you describe to the jury and all of us whether Colonel Joyce stood or sat when that money was put in the envelopes? A. He stood.'

"Q. 'In front of you? A. In front of his desk.'

"Q. 'Picked up the envelope there, did he? A. He picked up the two envelopes.'

"Q. 'Had the envelopes already been addressed before you handed him the money—the two \$500 bills? A. Yes, sir.'

"Q. 'Were the envelopes open or sealed? A. They were unsealed.'

"Q. 'You came and handed him the \$500 bills? Yes, sir.'

"Q. 'You saw him take up the envelopes? Yes, sir.'

"Q. 'He stood up while he went through the operation of putting the money into the envelopes? Yes, sir.'

"Q. 'Was there a desk between you and Colonel Joyce? A. No, sir.'

"Q. 'You sat upon the same side of the desk that he did? A. He stood—'

"Q. 'Answer my question. Did you sit upon the same side of the desk upon which he stood? A. I was sitting to his left.'

"Q. 'Was he facing you when he filled those envelopes? A. No, sir.'

"Q. 'Was his back turned toward you? A. No, sir.'

"Q. 'Was he standing sideways to you? A. He was.'

"Mr. Storrs (standing up and pointing to a post near him). 'Your relative positions would be about this, Colonel Joyce standing towards you sitting there? A. About six feet off.'

"Q. 'And Joyce had those envelopes in his hands? A. Yes, sir.'

"Q. 'That is about the description of it, isn't it? A. Yes, sir.'

"Q. 'Did he change these envelopes at all while this process was going

on? A. Yes, sir; he first took the two envelopes up, and pulled a piece of paper half way out; he then took one of the bills and put it in that envelope, or that piece, and put the letter back again.'

"Q. 'Are you prepared to say you saw him put the other bill in; isn't it merely a presumption in your mind?'

"Witness. 'I was just going to state how it was.'

"Mr. Storrs. 'Just answer that question.'

"Witness. 'What is the question?'

"Mr. Storrs. 'The question is this: Are you prepared to state that, in the other envelope, you saw him place the other \$500 bill? A. No, sir, I am not.'

"Q. 'That is what you meant when you said, this morning, that you presumed he did? A. Yes, sir.'

"Q. 'Then the amount of it, Mr. Everest, is just this: That you did see Joyce put a \$500 bill into one envelope, and you presume that he did in the other, but you don't know, you didn't see him put it there. A. I didn't see him.'

"Q. 'Now, that is just it exactly; and therefore you don't know that he put it in? A. I am not positive.'

"Q. 'No, no, no, of course not; as to one of those envelopes you don't know of your own knowledge whether he put a \$500 bill in or not? A. I said I didn't see one; I said—'

"Q. 'And whether it was the one directed to Avery or the one directed to Babcock you wont undertake to tell the jury? A. No, sir.'"

He was next asked about his European travels, and finally brought up in the city of Rome.

"Q. 'You wouldn't have gone to see Rome but for some apprehension as to your fate in your native city? A. I don't think I should.'

"Q. 'How long did you stay at Rome? A. Perhaps three or four weeks; I don't remember—three or four.'

"Q. 'Had you finished seeing Rome when you left? A. Well, I don't know.'

"Q. 'Will you be good enough to state to the jury why you left Rome? A. I received a notice from my brother to return home.'

"Q. 'What was the nature of your notice, please? A. A dispatch to come home.'

"Q. 'Did he tell you why you should come? A. No, sir.'

"Q. 'Did he indicate to you that it would be safe to come? A. No, sir.'

"Q. 'Didn't you agree upon some signal, cipher, or form of words or other, by which you were to come if you received it? A. No, sir.'

"Q. 'What would you come for upon the notification of your brother? It wasn't business that called you here, was it? A. I suppose he wouldn't telegraph to me without he wanted me to come.'"

He then described how he met McFall, one of the indicted

gaugers, in New York on his return, and went with him to Philadelphia, where he had an interview with General Dyer.

"Q. 'Was McFall boarding in New York when you went to Europe? A. No, sir.'

"Q. 'Is he boarding in New York now? A. No, sir.'

"Q. 'He is a resident of St. Louis, is he not? A. I believe he is.'

"Q. 'Will you please to state how you happened to light upon him at Thirty-first street? A. I went there.'

"Q. 'It was not instinct, of course? A. No; I went there to see my brother.'

"Q. 'Was your brother stopping at Thirty-first street? A. Yes, sir.'

"Q. 'Did he come down with McFall? A. I guess he did.'

"Q. 'It begins to look probable. How long had McFall and your brother been at Thirty-first street? A. I don't know.'

"Q. 'Was that the first occasion that you saw McFall, at that boarding-house? A. Yes, sir.'

"Q. 'What special interest did McFall have in your going to Philadelphia? A. Friendship.'

"Q. 'Pure, unadulterated friendship? A. Yes, sir.'

"Q. 'Were there any other interests? A. I don't know.'

"Q. 'Your friendship with him was strong? A. Yes, sir.'

"Q. 'Do you want the jury to understand that it was merely from considerations of friendship that you went to Philadelphia to meet McFall at the Bingham House? A. No, sir. If you will allow me I will make a voluntary statement.'

"Mr. Storrs. 'The best way for us to get along nicely is not for you to make any voluntary statement; answer my questions, and we will get along very nicely. How long did you remain in Philadelphia? A. About five days.'

"Q. 'Who else did you see there? A. I saw Mr. Dyer.'

"Q. 'You have given in your testimony to Dyer since your return in this city, have you not, Mr. Everest? A. Yes, sir.'

"Q. 'Did you then state to Colonel Dyer that in one of these envelopes you could not state that there was placed a \$500 bill? A. I did.'

"Q. 'And you could not tell whether that was the envelope directed to Babcock or Avery? A. I did.'

"Q. 'Do you wish in this court and before this jury, as a continual recurrence, to be understood as saying that in one of these envelopes you did not see any money put at all, and that whether it was the Babcock or the Avery letter you cannot tell? A. Yes, sir.'

"Q. 'Now, Mr. Everest, tell us quite frankly whether there was not the slightest pressure to have you remember that \$500 was put in both envelopes? A. No, sir; not a bit.'

"Q. 'Nobody wanted you to remember that? A. No, sir.'

"Q. 'Will you please state to the jury why in delivering your testimony upon direct examination, you did not say squarely as you have now, that in one of these envelopes you did not see a \$500 bill? A. I have no reason.

"Q. 'Mr. Everest, are you indicted here in this district? A. I don't know; the paper said I was.'

"Q. 'Have you been told so? A. No, sir.'

"Q. 'The balance of your opinion is that you are not indicted, from the most authentic information that you can obtain on the subject?' [No answer.]

"Q. 'Your interest in the subject is not sufficient to induce some little inquiry on your part? A. I made no inquiry about it.'

"Q. 'Don't it concern you? A. Yes, sir.'

"Q. 'There are twelve indictments against you? A. I am sure I don't know how many.'

"Q. 'Never counted them up or pleaded to any of them? A. No, sir.'

"Q. 'Never been arrested on any of them? A. No, sir.'

"Q. 'Can you tell what sort of talismanic influence you possess with the officers by which you have been thus favored? A. No, sir.'

"Q. 'No bargain, I presume? A. No, sir.'

"Q. 'Well, no understanding? A. No, sir.'

"Q. 'You arrived here an indicted man, absolutely free to go where you please; 'no one to molest or make you afraid;' that is about the condition you find yourself in, isn't it? A. I go about.'

"Q. 'You simply rely upon something or other; what is it you rely upon? A. Nothing at all.'

"Q. 'You have no reliance? A. No, sir.'

"Q. 'Mr. Everest, you came all the way from Rome here to testify, didn't you? A. I don't know.'"

The *Chicago Times*, in its account of Everest's examination, said,—“The fact that such exertions were made to bring back Everest, on the part of the Government, and that he has been so sedulously guarded up to the day of trial, caused a good deal of speculation as to his testimony. The prosecution have not done with Everest what was promised in the District Attorney's opening. Mr. Storrs forced out of Everest some damaging admissions, which greatly weakened the force if they did not annul the direct evidence. The witness fell into the trap, and in fifteen minutes his evidence, gotten in after so much argument, was shattered.”

Another point which the government proposed to make against Babcock was shattered the next day. Major Grimes, U. S. Quartermaster at St. Louis, gave evidence that, at the request of General Babcock, he had allowed that gentleman to send letters to Macdonald under cover to his address, after Macdonald had been indicted. For a time matters looked serious, but as soon as the witness fell into the hands of Mr. Storrs for cross-examination,

a totally different complexion was put on the transaction. It appeared that the sole reason for his request was that Macdonald suspected that his mails were being tampered with. At the time he delivered to Macdonald one of these letters, Major Grimes asked him,—“Macdonald, has Babcock anything to do with this thing?” Macdonald replied, “Grimès, I don’t believe he knows a bit more about it than you do, and you don’t know anything about it.” General Dyer sought to nullify the effect of this by eliciting the fact that in the same conversation Macdonald disclaimed having any knowledge of the ring himself, and that Grimes asked the question “because,” as he said, “if Babcock had been mixed up in it, I was going to drop him right there.” Mr. Storrs brought the examination handsomely round to his client’s advantage by asking, “You have not dropped him, have you?” “No,” was the witness’ reply; “I don’t believe him guilty to-day.”

Deputy Commissioner Rogers described the efforts made in 1874 and 1875 to investigate frauds in St. Louis, and stated that in August 1874 he put the arrangements for an expedition into the hands of Brooks, who was to take Hoag along with him. The matter was delayed in consequence of the approach of the fall elections, and again taken up in the latter part of November. Mr. Rogers then testified as to his receipt of a letter from Brooks in December, and the visit of Macdonald to his office, as already narrated. Commissioner Douglass afterwards showed him a copy of Brooks’ letter, which he thought he had destroyed. The expedition was abandoned because it was intended to be secret, and the secret had been disclosed by Macdonald. On cross-examination, Mr. Rogers said that Hoag was then fully trusted by the Department.

Commissioner Douglass was the next witness. His testimony helped the defence rather than the Government, by whom he was called. He said that he sent Joyce to California to get him out of the way of the agents sent to St. Louis, who complained, of excessive attention on Joyce’s part, “wining and dining” them, so that they could not do any work. Even the virtuous Brashear, it seemed, complained of Joyce’s exuberant hospitality. After the visit of Macdonald to Washington in December 1874, General Babcock showed the Commissioner a copy of a letter, and called his attention to the objectionable expression in it already alluded



to. He asked, "Now, what would a sensitive man like Logan think of this letter?" Shortly after this, the Commissioner met General Babcock on the sidewalk one Sunday morning, and they walked down the street together and talked about St. Louis and Chicago matters. Brooks' expedition had been abandoned then, and he told Babcock so. Once, early in 1874, Babcock had a conversation with him about charges against Ford, blackening his character after his death. He told Babcock there were no charges against Ford. On another occasion Babcock asked if any one from his office was going West, because he wanted to send a bird to a friend. On the 26th of January, 1875, the Commissioner addressed a letter to the Secretary of the Treasury with reference to changing the Supervisors. There had been rumors of frauds in 1872, and in 1873 and 1874 agents had been sent to St. Louis, all of whom seemed to fail. Two or three months before Mr. Richardson went out of office, he talked with the President and suggested that there should be a change of officers all over the country, to break up old habits and friendships, and get them out of the ruts. President Grant said he thought it would be a good thing to do, and asked how soon it could be done. The Commissioner thought it best to wait till after the fall elections. Shortly after that, Bristow came into office, and the Commissioner talked the matter over with him. The result was the sending of his letter to the Secretary, and an order being made by the Secretary for the transferring of the Supervisors. After the order was made, the Commissioner and General Babcock had a conversation at the White House in regard to it. General Babcock thought the order was bad policy; that it would bring great pressure upon the President, and the order would have to be recalled. The order was suspended by telegraph on the 4th of March. For two or three days the question was in doubt, the Secretary going to the White House every day at Commissioner Douglass' request in reference to it. On the morning of the 4th, Secretary Bristow came to his office, and said the order would have to be recalled.

Mr. Storrs' cross-examination of the Commissioner was subtle and skillful. How it impressed those who heard it may be gathered from the comment of the *St. Louis Globe-Democrat*, which gave a verbatim report of the trial day by day. That journal said:

"It would be difficult to imagine anything prettier in the shape of forensic display than the skill which Mr. Storrs shows in sifting the evidence-in-chief of a witness, and in destroying its effect on the minds of the listeners. His skill is not merely shown by the terms of the adroit questions he uses as they appear in print, and no mere reading of the evidence can possibly convey an adequate idea of the beauty of the operation. He speaks not merely with his tongue, but with his eye, the modulation of his voice, and almost as effectively with his hands—the long, slender, white fingers of which are in constant motion, as by some expressive gesture he appears to compel from the witness just that answer which will be most effective in bringing out the point he desires to elicit. Moreover, he uses exquisite tact in suiting his style of questioning to the witness who is under his hands for the time being. With Everest—a difficult and stubborn witness—while perfectly polite, he used the keenest and most powerful sarcasm, making him feel himself an object of contemptuous ridicule, while forcing him to obedience to his will. With Major Grimes, on the contrary, his manner was absolutely courtly, while still bringing the will of the witness entirely within his control. Again, in the cross-examination of ex-Commissioner Douglass, his manner was varied to suit the needs of the moment. Mr. Douglass is a quiet official-minded personage, willing to tell the truth according to his best recollection, but slow of thought and requiring some patience in manipulation. With him Mr. Storrs was gentle and suave as could be; but still, under the suavity, the same will-power shone forth in conspicuous triumph as he resumed his seat, in the serene consciousness of having demolished the main points which the prosecution brought out in their examination."

Though the mere reading of the questions and answers will not convey any vivid idea of the manner of the cross-examination, we cannot forbear selecting a few by way of illustration:

"Q. 'How long a time were you Commissioner of Internal Revenue? A. From the 8th of August, 1871, to the 15th of May, 1875.'

"Q. 'During the whole of that period of time did not complaints come up from almost every portion of the country from Revenue officials whenever detectives were sent into their various districts? A. I frequently had complaints of that character.'

"Q. 'Did not those complaints depend in a large manner upon the tem-

perament of the official into whose district the Revenue Agents were sent—for instance, a sensitive man would complain? A. In a manner.'

"Q. 'Whereas a more sluggish one would not? A. I think that had much to do with it.'

"Q. 'It was regarded as unusual, and of and by itself a cause of suspicion, for an official to complain that detectives were sent into his district? A. Not exactly.'

"Q. 'That of itself did not create a suspicion—the fact that a complaint was made? A. Not of itself.'

"Q. 'Have you not known it to be a fact that some of the very best, or supposed to be the very best, of the officials of your department have made these complaints? A. Yes, sir.'

"Q. 'Those complaints, too, as I understood you, were of frequent occurrence—came from all portions of the country? A. Quite frequent.'

"Q. 'They were not confined to the locality of St. Louis? A. Not confined to St. Louis.'

"Q. 'Was it not frequently the case that trusted officials would inquire of you and other members of the same department, whether you contemplated sending detectives into their districts? didn't that occur some times? A. Not frequently in that shape.'

"Q. 'But it would sometimes occur? A. Yes, sir.'

"Q. 'Well, we'll put a supposititious case. Suppose that Supervisor Tutton had made that direct inquiry of you, whether you contemplated sending detectives into his district, would you have any hesitancy in giving him an answer? A. Not a bit.'

"Q. 'Then the propriety or impropriety of an inquiry of that kind would depend not upon the inquiry itself, but upon the character of the man that made it? A. Largely.'

"Q. 'So that if it were made by a man of the established character of Supervisor Tutton, such an inquiry would excite no suspicion? A. Not in the least.'"

Commissioner Douglass went on to say that he did not think General Babcock ever intended to influence him. Mr. Storrs asked;

"Q. 'Did you gather, or was there any ground laid for the conjecture in your mind, from anything he said or did, that he desired in the slightest degree to interfere with any investigation into supposed frauds on the revenue in the city of St. Louis? A. I can answer that by saying that whenever he spoke to me he always premised that he did not wish to interfere with the public interests.'

"Mr. Broadhead. 'We object to that question. It is too broad.'

"Mr. Storrs. 'I insist upon the question. This is a conspiracy, and I think the objection comes with a very ill grace from the counsel for the Government.'

"The Witness. 'Well, I will tell you—'

"Mr. Broadhead. 'Hold on, Mr. Douglass.'

"Judge Dillon. 'The substance of the inquiry is correct, but the form in which it is put is a little objectionable. You have a right to inquire of the witness as to whether he understood that Babcock was seeking to influence his official action.'

"Mr. Storrs. 'I will accept that form, and will demand an explicit answer. Did you understand, from anything that Gen. Babcock said upon the occasion of that interview, that he desired to influence your action with reference to the investigation of the supposed frauds in St. Louis? I wish you would answer that categorically. Answer yes or no.'

"Witness. 'That is a little difficult.'

"Q. 'Did you understand that he attempted to prevent investigation. A. No, sir; I understood him to be solicitous about the reputation of a man who was the President's friend and his, and whom he believed to be an honest man, and whose reputation he was anxious to protect.'

"Q. 'You did not understand that he was seeking to protect Joyce and Macdonald at all? A. He never said anything at all about them.'

"Q. 'You gathered no such conclusion from anything that he said? A. No, sir.'

As to the conversation one Sunday about sending detectives on a Western raid, the Commissioner said that no specific allusion was made to St. Louis, but it merely referred to a Western trip.

"Q. 'Now, isn't it a fact, Judge Douglass, that upon the occasion of the exhibition of the letter to you, St. Louis and this district was not mentioned by General Babcock? A. I did not say it was.'

"Q. 'But isn't it a fact that it was not mentioned? A. I don't remember that it was mentioned.'

"Q. 'He spoke of General Logan? A. Yes, sir.'

"Q. 'And that General Logan would put an injurious construction upon it? A. Yes, sir.'

"Q. 'Didn't he call your attention to the phrase, 'satisfactory to ourselves'? A. Yes, sir.'

"Q. 'Do you remember his saying that it looked like addition, division and silence? A. I remember that phrase being used about that time in our State.'

"Q. 'Did that originate in Pennsylvania? A. Yes, sir, in Pennsylvania.'

"Mr. Storrs. 'I am glad to know where that came from.'

"Q. 'Isn't it true that it was considered necessary about that time that all these Senators should be conciliated? A. My experience has been—'

"Q. 'In reference to the particular Senator, was it not deemed important? A. Well, sir—well, sir—that has always been more or less the case in reference to Logan, who is a spirited man.'

"Q. 'On the 13th of December, on Sunday afternoon, you met General Babcock on the sidewalk? A. Yes, sir, about half an hour after dinner.'

"Q. 'It had not been a prearranged meeting at all? A. No, sir.'

"Q. 'This contemplated trip to St. Louis of Hoag and Brooks had been abandoned? A. That is my recollection.'

"Q. 'Because, in fact, Macdonald himself had advised Mr. Rogers that he knew what was going on? A. Yes.'

"Q. 'That is just what exploded that trip? A. Yes, sir.'

Commissioner Douglass was then asked a few questions as to his conversation with General Babcock in relation to the order transferring the supervisors:

"'The idea of this transfer, as I understand you, Judge Douglass, was conceived before Mr. Secretary Bristow came into Office? A. My first conversation with the President about it was two or three days before he came in, during the latter part of Richardson's administration.'

"Q. 'Didn't you have several conversations on that subject? A. Yes, sir; I thought there would be objection, and I thought we had better wait until the elections were over.'

"Q. 'Now, these objections that you were afraid of were from political men? A. Yes, sir.'

"Q. 'And you apprehended that they would be based upon political considerations? A. That was my apprehension then.'

"Q. 'Now, will you please state how long after that order had been determined upon that you had this little quiet conversation with Babcock upon that subject? A. I think about the time it was known, a couple of days.'

"Q. 'It was not more than that after you had this little talk with Babcock? A. No, sir.'

"Q. 'This conversation was at the White House? A. Yes, sir.'

"Q. 'You were necessarily frequently in and out of the White House, while you were Commissioner? A. Yes sir, whether he sent me word and asked me to drop in, or whether I happened to be there on other business, I don't know.'

"Q. 'Now, you have said something with regard to a statement made to you by Mr. Rogers. Isn't it a fact that Mr. Rogers, in his interview which he detailed to you, called upon General Babcock and had the interview, and didn't Mr. Rogers say so to you? A. I think that is so.'

"Q. 'Then Babcock didn't seek Rogers for the purpose of an interview on the subject?'

"Mr. Broadhead. 'We object to anything that Mr. Rogers said to the witness.'

"Mr. Storrs. 'The witness has stated a portion of what Mr. Rogers said, we would like to know the rest.'

"Judge Dillon. 'If it is the same conversation, it can go on.'

"Col. Dyer. 'I don't remember that he said anything about that.'

"Mr. Storrs. 'My memory is better than yours; I noted it at the time. It occurred to me that it might be necessary to call Mr. Rogers on that subject.'

"Judge Dillon. 'Examine him, then, on some other topic.'

"Q. 'This interview between you and Gen. Babcock, as I understand you, Mr. Douglass, was quite a brief one? A. Yes, sir.'



"Q. 'And the reasons which he assigned you were of a purely political character? A. That is all.'

"Q. 'Let me ask you quite directly whether the reasons that he suggested did not seem to be inspired by considerations of friendship to yourself? A. Yes; I said this morning that he said if the order was withdrawn by order of the President it would be unpleasant for me.'

"Q. 'He said that a great deal of pressure would be brought to bear upon the President, and the pressure he alluded to was political pressure? A. Political pressure.'

"Q. 'Just that thing? A. Exactly.'

"Q. 'And that it would come from men in high political position? A. Yes, sir.'

"Q. 'And General Babcock told you that the political pressure would be great, and he apprehended that the President would be compelled to submit? A. Yes, sir.'

"Q. 'Now let me ask you, Judge Douglass, whether or not you had then some idea of a position on the Court of Claims—whether your friends were not urging you for that position? A. There was some talk about the election district of Pennsylvania.'

"Q. 'Now, was it not with reference to that fact—this antagonism of prominent politicians—that Gen. Babcock talked to you? A. Now that I remember, I think I got that from Mr. Rogers.'

"Q. 'Now this order was not suspended the next day after this talk? A. I don't remember the dates—I should think three or four days.'

"Q. 'The order was not suspended by reason of anything that Gen. Babcock said to you? A. No; I didn't agree to it. It was suspended because I was ordered to do it.'

The Commissioner also testified that Joyce was in the habit of sending letters to officers of the Government, with enclosures consisting of editorials and the like, which he claimed to have written.

Deputy Commissioner Rogers was recalled for the Government, and testified that General Babcock was a warm personal friend of Commissioner Douglass, and was anxious to bring about his appointment to a judgeship in the Court of Claims that was then expected to fall vacant. General Babcock told him that the order for the transfer of the Supervisors was likely to cause a political pressure to be brought to bear on the President, which might be detrimental to the aspirations of Douglass. Mr. Storrs, on cross-examination, brought out from Mr. Rogers also the fact that Joyce had been in the habit of sending letters to Government officials enclosing newspaper editorials purporting to have been written by himself. In following out his plan of entangling Government officers in correspondence which he could show to

distillers in support of his pretence of official connivance, he would ask by telegraph whether his letter of such and such a date had been received, and the reply would come by telegraph,—“Yours, with inclosure, received.” It was important, therefore, that out of the mouths of the witnesses for the Government this fact should be established, in refutation of the theory that these enclosures were necessarily pecuniary bribes.

Several telegraph clerks and minor Government officials having been called to identify copies of telegrams supposed to have passed between Babcock and the conspirators, an afternoon was passed in hearing argument as to their admissibility. Mr. Storrs addressed an elaborate argument to the Court to show that none of the whole series of telegrams, whether from Babcock to Joyce or from Joyce and Macdonald to Babcock, were admissible as evidence against the defendant. “It is difficult,” said a contemporary report, “to decide which to admire most,—the advocate’s absolute command of legal learning bearing on the case, or the adroitness with which he used the opportunity to argue on a purely law question to make a regular defence speech to the jury. Certain it is, that he made the best use of his opportunity to create an impression on the minds of the jurors favorable to his client. At each turn in his argument, he wove into his speech a web of reasoning that was calculated to show at once the weakness of the case for the prosecution and the consistency of the idea of the innocence of his client, even should the telegrams be admitted as evidence.”

This argument is a fine specimen of Mr. Storrs’ forensic skill, and it is to be regretted that it cannot be here quoted in full. Its nature, however, will be fairly apprehended from the extracts which we give.

“‘The offer of the defendant’s telegrams,’ he said, ‘seems to be in a large measure based upon the assumption that they are admissible because he wrote them. But it is perfectly clear, even if that were to be said with reference to them all, that that of itself furnishes no sufficient reason why they should be admitted. It is not every oral declaration of a defendant to a suit either civil or criminal, which is competent as evidence. It is not every written declaration of a defendant, in a suit either civil or criminal, which is admissible as evidence against him. The admission, no matter what shape it takes, and the declaration, no matter what form it assumes, is not properly admissible in evidence unless the admission or declaration is relevant to the issue, and relates with that degree of clearness that the

court, before taking the proposition simply, can say that it relates to some controverted point in the case. A letter addressed by General Babcock to Joyce, detailing at length the condition of his health, would be clearly incompetent, although the fact might be indisputable. A letter addressed by General Babcock to Joyce, or any other of the conspirators, discussing at length the subject of a corrupt operation, would be equally and as clearly inadmissible, notwithstanding he wrote it, because upon the face of the letter there would probably be this fact that it did not relate to any subject matter in the trial. I can safely proceed one step further with the proposition. The paper offered in evidence by the counsel for the prosecution must show upon its face whether it is relevant or not, because in the presence of to-day the defendant cannot be rightfully called upon to explain. The explanation must invariably come from the party who presents the paper, and claims that it is complete. If the words in the latter possess any occult meaning, if there is to be attached to them a significance which is not a legitimate one from the language employed, that occult meaning must first be displayed by extraneous evidence, and this demand must be supplied by extrinsic proofs. Therefore, if your Honors please, if, upon the face of any or either of these dispatches from Babcock, it is a matter of doubt whether they relate to the combination existing in the city of St. Louis to defraud the Government of the United States, that doubt must be removed, and the doubt must be removed by the party offering the paper. For no court would permit a paper to be offered in evidence by a public prosecutor and offered to a jury, of doubtful construction, out of which innocence appeared to be guilt or guilt might be guessed, unless some foundation were previously made by the party offering the paper. It seems to me that every consideration of common justice and individual safety requires a strict and rigid enforcement of this rule. Here comes into court, if your Honors please, a defendant whose lips are sealed and whose mouth is closed. There are in evidence against him telegraphic dispatches; if they relate to some fact, if they are of doubtful meaning, the relation of which does not clearly and sufficiently appear upon the face of the paper, that relation must be established by the prosecutor—by the party offering the paper before the paper itself can be competent. Now, how was it with these dispatches? I propose to take them all—dispatches which have been referred to by the learned counsel for the Government in opening this case to the jury—and I do this upon the assumption that at some time during the progress of this trial they may be offered in evidence. These dispatches, I may remark here, cannot be received as evidence, on the ground that they tend to show an intimacy between Macdonald and defendant. Clearly they are not competent evidence on that ground, for intimacy between these parties cannot be shown, unless it appears at the time this intimacy existed the political and personal standing of Macdonald and Joyce was the same that their political and personal standing is to-day. The fact that one man who is to-day intimate with an individual whose general reputation is good, or whose general reputation he supposes to be good, can not be introduced as evidence against him after the lapse of years, when times have changed, when men have

changed, and the guilt of one of the parties has suddenly been discovered; and, therefore, this is a point to be considered; this is the light in which these dispatches are to be read. And the great danger in this investigation, and in investigations of this character, is that the messages will be read not in that light, or with the surroundings of the time they were sent, but in the light and with the surroundings of the time when they are offered in evidence. The danger is (and how grossly and wickedly unjust it would be to the defendant need not be stated)—the danger is that all the dispatches to Joyce and Macdonald will be read, not in the light of the prosperity they then stood in; not in the light of the high official position they occupied; not in the light of the spotless name they then, so far as the knowledge of the defendant was concerned, enjoyed, but in the fogs and in the darkness of to-day. When these dispatches were sent, Joyce and Macdonald were honored and trusted men, so far as the Departments at Washington had any knowledge. The trouble is, and the difficulty against which this court or any other court should sedulously guard this defendant—the trouble is that the public and the jury will fail to place themselves in this defendant's place; and it is for that reason that the relation of these telegrams to some fraudulent and corrupt purposes should be a clear and explicit chain, and not only that, so far as the telegrams from Joyce and Macdonald are concerned—not only that so far as they were concerned must it be shown that they relate to some fraudulent combination in which they had a part, but that this defendant, when he received these dispatches and answered them, knew that they had such a relation."

Mr. Storrs then reviewed the whole series of dispatches sent by Babcock, and argued that not one of them on its face had the slightest relevancy to the charge of complicity with the ring. As to the first, he said,—“It can have no real significance so far as any question at issue is concerned. It simply exhibits the wonderful ingenuity which, in a great public excitement, can succeed in twisting facts out of their true and proper relations, and placing the defendant upon his trial and subjecting him perhaps to conviction, because there is in the nature of things not a probability of guilt, but a remote, distant and conjectural possibility that he may not be innocent.” Passing by the dispatch of December 5th, as to which the Court had reserved its decision, he next came to the “Sylph” dispatch, and insisted that it was inadmissible because the testimony of both Commissioner Douglass and Mr. Rogers showed that General Babcock had no part in bringing about the abandonment of Brooks and Hoag’s expedition. If it meant, “I have succeeded in finding out that they will not go,” it conveyed no information, because Macdonald knew it before Babcock did. He then paid a high compliment to the



ingenuity of the prosecuting counsel, who could attempt to twist such an innocent looking despatch as the last,—“I have seen the gentleman, and he seems friendly; he is here looking after improvement of river,”—into evidence that the sender was guilty of defrauding the Government out of its duties on spirits. “At this compliment,” says a St. Louis paper, “Colonel Broadhead leaned his bald head backwards, and looked his inverted acknowledgements to the speaker over the hill of his venerable eyebrows. Colonel Dyer turned half round, and bowed a smiling recognition.” Mr. Storrs went on to state that he desired, on this point, to submit an authority which seemed to be somewhat parallel to this to the consideration of the Court. Turning to Judge Porter, that gentleman handed him a volume bound in green, with elegant gilt-lettered title, looking like anything in the world rather than a law book. Mr. Storrs, with imperturbable gravity, said he was about to cite a case from the 1st Dickens, 118, the great case of *Bardell v. Pickwick*.

Mr. Dyer. “What page?”

Mr. Storrs. “Page 118. This was an action for breach of promise, brought by Mrs. Bardell against Pickwick, and the plaintiff in that case relied principally upon two letters. The report gives the argument of the counsel upon the side of the prosecution. Let me read:—‘Garraway’s, 12 o’clock. Dear Mrs. B: Chops and tomato sauce—’”

At this moment Judge Treat leaned over and whispered something in the ear of Judge Dillon, who said, “I doubt whether that case will give us much assistance.” Closing his book, Mr. Storrs submitted to the ruling of the Court in his own graceful style, remarking that he only desired to submit the authority as it appeared just about parallel with the evidence contained in the telegram he was discussing. “The audience,” says the *Globe-Democrat*, “was evidently disappointed of a chance of amusement, and comments were freely made to the effect that this was the first time that a court had been known to forbid the reading of competent authorities in hearing arguments on a law point.” Mr. Storrs went on to argue that the prosecution must show not only that General Babcock was cognizant of the conspiracy, but of the particular mode stated in the indictment by which it was to be carried out, before either his despatches to Joyce or Joyce’s to him could be received as evidence against him.



"These declarations of Joyce are none the more cogent because they are written; they are none the more admissible because they are written. I do not apprehend that these declarations, were they offered in evidence, would in the present stage of this case be received, and the only theory by which declarations of this character are received at all is that they are made to the party to the record. If the declaration is an oral one, the parties standing face to face, while the opportunity of denial or repudiation is at hand, then there is some force and effect to be given to the oral communication, because the courts have said that the silence of the party to whom the oral communication is addressed may be construed into an acquiescence. But the wisdom of the law has already done away with any such presumption as that where the communication is a written one, and made either by letter or by telegram. And hence it is that an unanswered letter ranks no higher in the scale of proof against the party to whom the letter is addressed than the trivial deduction made by an alleged conspirator to a third person, and not in the presence or hearing of the party against whom that declaration is offered. That distinction, your Honor, runs through all the books; it is found everywhere; it is one which exists of a very necessity. The only reason that the declaration of a party when made to a defendant is admissible, is because the poison and the antidote are both together. It is because if the assertion be false, it would be at once controverted and denied. It is because all our ambiguities about it may be explained, and explained in the hearing of those who are present, and who would report it. The admissibility of that kind of declaration rests upon this idea. Its foundation is a philosophical one, perhaps I may say a metaphysical one. It is derivable from the nature of man, from the conception which we have of him, that where crime is charged, if not guilty, he will deny it: that where complicity or crime is charged, if innocent, he will deny it; that, at all events, it is the very nature of man, where he is placed in a false position by the spoken declarations of others, then and there to right his position. But for these reasons, if the court please, it fades into thin air in the case of telegraphic communications or by letters. The possibility of complete instantaneous repudiation or denial does not exist; the necessity for it does not exist; there is no necessity for personal intercourse or explanation. And hence it is again revolving in this circle, and founded upon these general principles; an unanswered letter is no proof, it tends to prove nothing. In reference to telegrams from Joyce to Babcock we won't stop to discuss them in detail. It will be found, upon an inspection of them, that they bear no immediate relation to the subject matter involved in this trial; in the next place, that they are unanswered; and, with regard to the dispatches of the 3d and the 5th, no sufficient proof has been made either that they were sent or received by third parties. With that I submit that these dispatches, so far as they have been offered, should be excluded from the consideration of the jury."

Judge Porter's argument on the same side was a scholarly exposition of the law and citation of authorities. He held the Government to strict proof that Babcock himself wrote the tele-

grams put in evidence, and as to Joyce's telegrams to him, several of which were never answered, he contended that it would be inaugurating a new rule to allow a party to make evidence against another by simply writing to him, thus casting upon that other the onus of the response. During Judge Porter's address, he read the first telegram from Babcock to Joyce in reference to the appointment of Ford's successor, when Colonel Broadhead interrupted him, and read it in such a way as to suggest a startling interpretation of its meaning. The ingenuity of the prosecuting counsel, and their determination to secure the conviction of General Babcock by any kind of artifice, were so pointedly exhibited here as to create a feeling rather of sympathy with the defendant, against whom the Government officers were straining evidence in so unworthy a way. The report is worth reading :

" 'See that Ford's bondsmen recommend you.' That is all. He understands Joyce as being a candidate for that position, and he says that if he wishes that position he should have the recommendation of Ford's bondsmen.'

"Colonel Broadhead. 'Let me read that, 'See that Ford's bondsmen recommend *you*.'

"Mr. Storrs. 'Where is the accentuation in that telegram?'

"Judge Krum. 'We would be pleased if the gentleman would show us the underscoring.'

"Judge Porter. 'Precisely that. In a criminal case the officer representing the Government asks that you convict a man on an *accent*, when it is a generally recognized principle of law that where two constructions are possible, the innocent one must be accepted. Not only the innocent construction, but the most reasonable is that which the other reading gives it. But suppose it is read as Col. Broadhead ingeniously suggests, does that prove any more than the other that Babcock had any evil purpose in thus advancing a man whom he regarded, as others did, as honest and as entitled to advancement?'"

The object of the prosecution, in suggesting this ingenious reading of the telegram, was to make the jury believe that General Babcock had some special private reason for desiring Joyce to be appointed to the vacant Collectorship. The deposition of the President, however, disposed of that idea, and the artifice of the Government counsel only recoiled upon themselves.

Judge Dillon overruled the objections to the dispatches on the ground that their relevancy was a question for the jury to determine under advice from the Court, and the fact that some of them were unanswered did not constitute alone a sufficient ground

for excluding them, but they must be viewed in connection with all the circumstances of the case. As to the despatches between Macdonald, and Joyce, these were admitted as statements or acts of the conspirators among themselves, in furtherance of the conspiracy; "but as to the defendant," said Judge Dillon, "they go for naught, unless he is shown by other evidence to be connected with the conspiracy."

The telegrams were then read in evidence, and they showed very clearly the methods of Joyce and Macdonald's operations, and their way of sending telegrams to officials in Washington which would call out replies such as they wanted to show to the distillers for their encouragement. Joyce, for instance, sent a telegram to General Babcock,—“Have you talked with D.? Are things right? How?”—to which he got no answer, but the distillers to whom he showed it before sending it were doubtless impressed by the familiarity of Joyce's style, and that was enough. While Macdonald was in Washington in December 1874, he telegraphed Joyce,—“Had a long ride with the President this afternoon. B. and H. are here. You will hear from me to-morrow.” By showing this to the distillers, Joyce could create an impression on their minds that the President of the United States was either advised of or co-operated with them in their scheme of fraud. He could take that telegram and call their attention to the fact that Macdonald was hobnobbing with the President, and so induce them to think that through Macdonald's influence they would be safe from prosecution. The next day, after he had his talk with Deputy Commissioner Rogers, and learned that Brooks and Hoag were not to be sent to St. Louis, Macdonald exultingly telegraphed to Joyce,—“Dead dog; goose hangs altitudilum; the sun shines.” This was sent on the 8th of December, five days before Babcock's “Sylph” dispatch, in which it was claimed by the Government that General Babcock informed the ring of the abandonment of the expedition.

An important ruling was made by Judge Dillon just after the admission of these telegrams, which still further narrowed the volume of evidence for the Government, and relieved the defence of some trouble. While Mr. Barton was testifying, he was asked by General Dyer to state a conversation between himself and Joyce as to the purpose to which the \$5,000 that he and Fraser

raised in April 1875 was to be applied. Mr. Storrs at once rose and said:

"Now, if they propose to reach the defendant by this conversation, we object."

"Mr. Dyer. 'Well, we propose to do so.'"

"Judge Dillon. 'Do you seek to show by this evidence declarations of Joyce in connection with the transaction to implicate the defendant?'"

"Mr. Dyer. 'Yes, sir.'"

"Mr. Broadhead. 'Yes, sir; upon the principles of the ruling in the McKee case in regard to Leavenworth's declarations. They are the same precisely; I do not see any difference—subject to your ruling.'"

"Judge Dillon. 'Yes, sir. The difference would be this, with regard to them; In the McKee case, we required the defendant's connection with the conspiracy to be established before we received the declarations.'"

"Mr. Storrs. 'An important difference.'"

Judge Dillon promptly ruled upon the question, excluding the declarations of Joyce in grave, dignified, and significant language. He said:

"Now, the object of this testimony, as it seems to both of us, is not for the legitimate purpose of showing the nature of this conspiracy, but for the purpose, by indirection, to do what the law will not permit directly to be done; namely, to show the defendant's connection with the conspiracy. Now the court has a discretion in such cases to admit such testimony, or testimony of this character, on the assumption that it may finally be shown that the defendant was connected with the conspiracy, and, therefore the statements of one of the conspirators with another in the execution or furtherance of the scheme would be competent. But it is true that the regular course is, and, as the books say, the advisable course is in cases of this kind to require that connection to be first established. And if there ever was a case where that should be done, it is a case of this character. The character of this man Joyce, the obvious purpose which he seems to have manifested in this case—his forcing the distillers to make illicit whisky, the bold and defiant character of his operations here, makes it extremely dangerous to receive this kind of testimony. I don't know what he might undertake to say. He might have undertaken to implicate the judicial officers of the Government, and I would tremble for the reputation of the court if it was to be admitted upon the mere declaration of this man in carrying out this scheme; and we think the testimony as to his mere declarations ought not to be received."

The last witness called for the Government was the revenue agent Brooks; and as to this gentleman was due the credit of detecting and exposing the St. Louis frauds,—as he was, like Abdiel,

"Alone among the faithless, faithful found,"—

his testimony carried great weight. The *St. Louis Globe-Democrat*, in a graphic description of his appearance on the witness stand, said: "Mr. Brooks was decidedly the best witness that has been examined during the progress of the case. He possesses remarkable accuracy of memory, and answered the questions addressed him in clear, full tones that were audible and distinct in the furthest recesses of the court-room. His features, while delivering his testimony, betrayed not the slightest evidence of emotion, except that a smile was once or twice forced from him in cross-examination. Aside from this, his look was one of continued introspection, and the cautious deliberation with which he framed his answers and the exceeding exactitude of his language showed clearly the effort he was making to state, and only state, precisely what he knew, of his own personal knowledge."

Mr. Brooks testified that in August 1874 the Commissioner ordered him to Washington to consult as to the condition of distilleries in the West, and what means should be taken to detect the frauds that were being committed there. The result was that the charge of the expedition was put into his hands, and he recommended that Hoag should co-operate with him. The trip was put off on account of the elections till December, when, being engaged in Philadelphia on legal business for the Government, Hoag came and saw him there. On the 14th of December he received a letter from Deputy Commissioner Rogers, informing him that the raid was off.

In the cross-examination of this witness Mr. Storrs again, and more distinctly than before, foreshadowed the main feature that the defence relied on to prove that the secret information furnished from time to time to the conspirators came from Hoag, and not from General Babcock. Speaking of the raid on the distilleries in New Orleans, the witness gave evidence which left no shadow of doubt that Hoag had remained purposely behind in Cincinnati to get an opportunity to send information by wire to the distillers that Government officers were on their track; and when Brooks arrived in New Orleans he found the law-breakers busy running off the evidences of their guilt. The witness further stated that the seizures were hastened by the knowledge he had acquired of this fact after his arrival in New Orleans, and that they were made without waiting for the arrival of his coadjutor,



Hoag. At the time of the visit to St. Louis of Brooks and Hoag in May, 1874, the witness stated that Hoag again failed to make connections on time, and after the latter did come, he, Brooks, had felt compelled to warn him against his too frequent habit of associating at night with parties who at that time were suspected by the Government.

It is necessary, in order to give an adequate idea of Mr. Storrs' cross-examination of this important witness, to make some extracts from the verbatim report:

"Mr. Storrs: 'Mr. Brooks, in one way and another you have been connected with the Revenue or Secret Service for many years, have you not? A. For eleven years.'

"Q. 'You have had a very large experience in this business, haven't you? A. Somewhat extensive.'

"Q. 'And your efforts for the detection of frauds and the punishment of the offenders have been attended with a great measure of success as compared with other officials? A. I think a large measure of success.'

"Q. 'Perhaps it might seem a little vain in you to volunteer a statement, but, notwithstanding that, I will ask you whether you don't consider yourself a pretty good judge of men? A. No, sir.'

"Q. 'Is the fact that you were deceived by Hoag one reason why you have lost your confidence in yourself in that direction? A. It is, sir.'

"Q. 'Up to the time that Hoag so fearfully deceived you didn't you think you were a pretty good judge of men? A. I am afraid I did.' [Laughter.]

"Q. 'But that ambition, that vanity, now is crushed to earth in the development of Hoag's duplicity? A. Not exactly.'

"Q. 'It is smothered a good deal? A. It is a little crowded.'

"Q. 'When did you first make the acquaintance of John T. Hoag? A. I made his acquaintance early in April, 1874; he was recommended to me by the Commissioner.'

"Q. 'He was recommended to you by the Commissioner of Internal Revenue? A. He was, and I objected to association with him for some time.'

"Q. 'Were your objections based on any previous knowledge, or were they excited in your mind from an inspection of the man? A. Neither.'

"Q. 'Why, then, did you object to being associated with him? A. Because I had not proved him.'

"Q. 'And you didn't want to be associated with any man that you had not proved? A. No, sir.'

"Q. 'When did you first begin to prove him? A. Well, I don't know how to answer that. Do you ask when I discovered—'

"Q. 'I don't want to know what you first discovered. What was your first experience with him in an official way? A. I had positively no experience with him in an official way.'

"Q. 'What I mean is, what trip did you first become associated with him in? A. The trip to New Orleans.'

"Q. 'Looking back on the New Orleans trip now, with your present lights, did you see anything in the conduct of Hoag that was suspicious? A. Yes, sir—that is, no; let me recall that answer. Only by common report I am judging now, not by experience.'

"Q. 'Was he on hand promptly at New Orleans? A. He was not.'

"Q. 'Why wasn't he? A. I don't know, sir; I attributed it to the best motives.'

"Q. 'What reason did he assign? A. He couldn't get his man in Cincinnati.'

"Q. 'He was delayed in Cincinnati watching for his man? A. Yes, sir.'

"Q. 'When did Hoag get to New Orleans? A. Two or three days after the raid had been made.' "

Mr. Brooks stated that on his arrival in New Orleans he found that the distillers there had been making illicit whisky, and running it off into flatboats. He discovered indications that in some mysterious way the distillers had received information of his coming. Hoag went with him from New Orleans to St. Louis, and his conduct while in St. Louis excited Brooks' suspicion.

"Q. 'Hoag was behind, at New Orleans? How long after the seizures did Hoag get there? A. About two days.'

"Q. 'Was that your first experience with him? A. It was.'

"Q. 'Please tell the jury where was your next? A. In St. Louis.'

"Q. 'The Bevis & Fraser matter? A. Yes, sir.'

"Q. 'I will ask you the general question, whether in visiting these various places with Hoag, you ever observed anything in his conduct that excited your suspicion? A. Not then—yes—I did in this city—not excite my suspicion, but I thought his conduct was to be deprecated.'

"Q. 'Will you please to state what that conduct was that you thought was to be deprecated? A. Well, he would associate so much with Mr. Fitzroy, and others in this city, at night, going around with them. I warned him then to be careful of his associations.'

"Q. 'When was it that you visited here for the purpose of investigating Bevis and Fraser's condition? A. On May 4.'

"Q. '1874? A. 1874.'

"Q. 'Then, as I understand you, Hoag was an industrious searcher after truth with you during the day, and went around with Fitzroy at night. A. He went out with them; he spent his evenings with them.'

"Q. 'Did you look upon that sort of mixture of operations as suspicious in its character? A. No, sir; I protested; I told him he should be careful of his associations, not become too familiar.'

"Q. 'With Fitzroy? A. Not Fitzroy especially; I had probably Fitzroy in my mind, but I assumed that he was associating with others besides Fitzroy.'

"Q. 'You of course, had not the slightest idea that Hoag was giving information? A. Not at all.'

"Q. 'You had not the slightest idea that he was communicating with Bingham or any of the other distillers? A. No, sir.'"

Hoag had the same avenues of information that he had, and had the full confidence of the Department.

Several telegrams from Avery to Joyce having been put in evidence, showing one source at least from which the St. Louis ring got their information from Washington, the case for the Government was closed.

## II.

### THE DEFENSE.

OPENING SPEECH OF EX-ATTORNEY-GENERAL WILLIAMS—WHAT JOYCE'S "MUM" DISPATCH MEANT—MR. WILLIAMS' PERSONAL EXPERIENCE OF THE CARES OF OFFICE—SPLENDID ARRAY OF WITNESSES TO GENERAL BABCOCK'S CHARACTER—TESTIMONY OF SUPERVISOR TUTTON—WHY THE ORDER TRANSFERRING THE SUPERVISORS WAS REVOKED—DISINGENUOUS COURSE OF THE PROSECUTION—THE DISTRICT ATTORNEY WALKS INTO A TRAP OF HIS OWN CONSTRUCTION—SECRETARY BRISTOW DIRECTLY RESPONSIBLE FOR THE REVOCATION OF THE ORDER—JOYCE'S CORRESPONDENCE—REVENUE AGENT HOAG THE SOURCE OF THE RING'S INFORMATION—DEPOSITION OF THE PRESIDENT—JUDGE PORTER'S MOTION FOR A DIRECTION TO ACQUIT OVERRULED—COLONEL BROADHEAD'S ARGUMENT FOR THE PROSECUTION—THE "SYLPH" TELEGRAM—CLOSING ARGUMENT OF MR. STORRS FOR THE DEFENSE—JUDGE PORTER FOLLOWS—GENERAL DYER'S REPLY—JUDGE DILLON'S CHARGE TO THE JURY.

ON the eighth day of the trial, Attorney-General Williams opened the case for the defence. He admitted at the outset that for four years the St. Louis whisky ring had been plundering the Government, and that Macdonald and Joyce, while unsuspected, held high social position, and corresponded with influential Government officials. Their social acquaintances, however, were not necessarily their confederates in crime. All that the Government had been able to prove against General Babcock amounted merely to a suspicion, derived from the wording of some telegrams; and such a suspicion General Babcock's whole career and character went to disprove. Mr. Williams then reminded the jury that party strife in the State of Missouri had been characterized by unnecessary harshness and bitterness, owing to the course taken by Carl Schurz, Gratz Brown, and their adherents; and that Macdonald and Joyce had made themselves conspicuous as champions of the administration and friends of the

President, and took every opportunity to impress on President Grant, through correspondence with General Babcock, the magnitude and value of their services. The reading of Joyce's letters to General Babcock by Mr. Williams produced a striking effect in the court-room. They showed that at the time this correspondence was commenced by Joyce, he was comparatively a stranger to General Babcock, and had to recall to the mind of the latter the fact that Orville Grant, a brother of the President, once introduced them to each other. They enclosed editorials, clipped from newspapers, which Joyce claimed to have written in support of the administration and against Schurz and Brown, and which could easily have induced General Babcock to respond, "with thanks for the enclosure." One letter clearly showed the true explanation of the telegram, "See the dispatch sent to the President; we mean it; mum." The dispatch referred to was that sent by the bondsmen of Ford recommending Maguire, with which Joyce had nothing whatever to do; and the words, "we mean it," were written to salve over Joyce's mortified self-importance. All the mysterious significance was taken out of the word "mum," when it became apparent to the jury that Joyce had been a candidate and had been defeated, and did not want to have it known by the other politicians in St. Louis, and particularly by Maguire, that he had been Maguire's competitor for the office. He said in this letter:

"Dear General: I heard from you in due course in regard to the Collectorship, and at once went to see the bondsmen, but I found they were fixed upon the man they had recommended, and not being in a position to induce them to act in my behalf, telegraphed as I have already done. Of course telegrams to parties here revolving about the *Globe* office got out among particular friends, and therefore newspaper hawks got just enough information to spread themselves and tell more than anybody else can."

This letter plainly showed what Joyce meant by the word "mum," and that it indicated nothing more than the vulgar and familiar style which he adopted in all his communications. The correspondence about Ford's successor was shown to be of the most innocent official character, and its reading produced a marked sensation. Joyce knew that the President was an old and intimate friend of Collector Ford, and he adroitly availed himself of that circumstance to pretend a great solicitude for Ford's memory, when in fact all he wanted was that revenue



agents,—“scandal hounds,” as he termed them,—should not be sent to St. Louis during his absence in San Francisco. A startling flood of light was thrown on this telegram by Mr. Williams’ reading of Babcock’s letter in reply:—“I have seen D., and he assures me no mention has ever been made of Ford’s name . . . I don’t know your instructions on trip to San Francisco; I think, though, it is because D. trusts you to do important work.” General Babcock had; in compliance with Joyce’s request, had an interview with Commissioner Douglass about Ford, as already explained by the Commissioner’s testimony, and this letter was the answer. The vindication of General Babcock, so far as these telegrams of Joyce were concerned, was made complete and satisfactory by the production of the accompanying correspondence. The impression made by these letters is shown by the comment of the *Globe-Democrat* on their production:

“In this respect the counsel for the defense has shown a vast amount of finesse. These letters, so vital to the case, were never hinted at before they were produced in court, and their production at this critical stage shows beyond a peradventure that the counsel for the prosecution have been more anxious to find evidence in support of a preconceived theory than to conduct a fair investigation into the acts of an officer whose heedless good nature had led him into an innocent correspondence with fellow officials which has since placed him in so much peril.”

Mr. Williams showed that General Babcock, instead of being a member, was in fact a victim of the conspiracy; that by the use of his name, and by drawing him adroitly into correspondence, innocent enough so far as he was concerned, Joyce and Macdonald were able to keep up the idea with the distillers and rectifiers in St. Louis that they were safe, because they were under the protection of the White House. They simply abused the generous confidence and friendship of General Babcock, who down to the date of the seizures had no idea that they were even suspected by the Revenue Department. The conduct of Joyce in regard to the two envelopes, and the two \$500 bills, as detailed by Everest, was severely commented upon as another example of Joyce’s unscrupulous use of General Babcock’s name to carry on his pretence to the distillers that Babcock was in the ring.

“Joyce takes the bills,” said Mr. Williams, “in the presence of Everest, and puts them, or pretends to put them, in two envelopes, already directed and spread out on the desk of Joyce. Joyce hands them to Everest, and tells him to go and put them in a certain post-office box, while he stands

at the window and watches him. Why all this parade over this act, which, if intended to be criminal, would have been concealed? You can readily see, gentlemen, that—as the distillers and rectifiers were a little restive, and doubtful as to whether or not they were safe—all this parade was made by Joyce to impress upon the mind of Everest the fact that Avery and Babcock were receiving money from the Ring, so that he could go to the rectifiers and distillers and say to them, ‘Be quiet; all is right; Babcock and Avery are getting our money, and they will see that we are not disturbed.’ Do you believe, gentlemen of the jury, that Joyce sent a dollar in these letters? You will be satisfied before this case closes, if you are not already satisfied, that this was one of the tricks of Joyce, to keep up the delusion here that others in Washington were implicated in this conspiracy; and this damnable trick of a desperate and unprincipled villain—a fact of which Gen. Babcock was as ignorant as a new-born babe—is brought in here as evidence of his guilt. Look, again, at that transaction of \$10,000 they raised. Five thousand was paid to Joyce, and \$5,000 to Macdonald, in April, 1875. Macdonald pretended that it was money to prevent seizures, and it was obtained upon a promise that if the seizures were made the money should be returned. But they were made, and there wasn’t a cent returned. Joyce and Macdonald saw that this conspiracy was tottering to its fall; that it was on its last legs; that the opportunity for making more money out of it was rapidly expiring; and so, under this pretext they black-mailed the distillers and rectifiers here out of \$10,000. Macdonald pretended at one time that it was to pay somebody in Washington, as a remuneration for services rendered them; and at another time, that it was to prevent seizure. But I will not insult your intelligence by supposing that you have any doubt that every dollar of that money went into the pockets of Joyce and Macdonald.”

Not a particle of evidence had been offered to show any agreement or understanding between Babcock and the men in St. Louis. All that was left in a region of conjecture and doubt. Mr. Williams closed by saying:

“I cannot express, gentlemen of the jury, all I feel in this case. I have been associated in public life with General Babcock for several years, and I know and can appreciate the difficulties and responsibilities of his position.

“And I know from bitter experience how easy it is for evil-disposed persons, who pervert an act performed, perhaps without much care or thought, in the hurry of business, and amid the multiplicity of duties, an act innocent in itself, into evidence of a wrong purpose, or a disposition to violate the law.

“I have, gentlemen, exhibited to you, not in detail, but as briefly as I could, the weakness of this prosecution, and the points upon which we depend for our defense. I do not ask sympathy or favor for the defendant, but I do ask an enlightened and righteous judgment from you. President Grant has said ‘let no guilty man escape,’ and I approve of that policy.

“But it would be a sad and strange spectacle to see scores of self-convicted felons walking the streets as free as the encasing air, enjoying life

and the fruits of their years of robbery, while, by their testimony, and a few facts offered to give it decency and strength, Gen. Babcock is dragged from his home, his family, his friends and his country, and thrust into the jaws of a Penitentiary. Let justice, however, be done, though the heavens fall.

"Show him no favor, unwarranted by law, on account of his past career or recent position. But in doing that I doubt not that you will come from your final consideration over this case with beautiful feet to bring glad tidings to family and friends of his full deliverance from this prosecution."

Seldom in a criminal trial have witnesses to character been called on the part of the defendant of such high public station and conceded national reputation as were called on behalf of General Babcock. First came General Humphreys, Chief of the Engineer Department of the United States army, a silver-haired veteran whose erect martial bearing and honest face reminded one of that Colonel Newcome with whose character Thackeray has made us all so familiar. He spoke of General Babcock's high standing in the army, and said that as Superintendent of Public Buildings and Grounds at Washington, General Babcock had charge of an expenditure of over \$400,000 annually, and had performed his duties admirably. The first Auditor of the Treasury, Mr. Mahon, testified that the accounts of General Babcock's annual disbursements balanced to a cent. Mr. Berrett, Mayor of Washington from 1858 to 1861, a white haired gentleman of magnificent appearance, who was at this time Police Commissioner for the District of Columbia, said that General Babcock's reputation as a gentleman was unexceptionable, and his integrity unquestioned. The jury listened with interest to Mr. Berrett when he said, "I have been a life-long Democrat, and have never been affiliated with the party of which General Babcock is a member." He was, in fact, a prisoner in Fort Lafayette for some months in 1861, on account of his Southern sympathies. General N. P. Banks of Massachusetts gave emphatic testimony to the high character of the defendant as a man, a soldier, and a citizen. He had known General Babcock from the time he served on his staff in the Army of the Potomac, and never heard a word said to his detriment until this trial. The General of the Army of the United States, William T. Sherman, said he first knew General Babcock as the bearer to him of dispatches from General Grant at Savannah. From that time on he had known him intimately, and had never heard his reputation questioned until the proceed-

ings in this case. The old veteran, General Harney, the ex-Secretary of the Navy, Mr. Borie, General Simpson, General Sturgis, General Fullerton, and Captain Babbitt, all testified to their complete belief in Babcock's integrity, and gave him a handsome send-off in the way of character.

A new light was thrown upon the revocation by President Grant of the order transferring the Supervisors, when Mr. Alexander P. Tutton, supervisor of the district embracing the States of Pennsylvania, New Jersey, Maryland and Delaware, and the District of Columbia, was put upon the stand for the defence. The counsel for the prosecution struggled zealously to exclude the vital portions of Mr. Tutton's testimony, but unsuccessfully, and at last by their own indiscretion enabled Mr. Storrs to get it all in. Mr. Tutton testified that in January 1875 an order was made transferring him from Philadelphia to St. Louis, and he went to Washington and had an interview with Commissioner Douglass in reference to it on the 3d of February. The District Attorney objected to the witness stating his conversation with the Commissioner. "We have never insisted," he said, "and do not now insist, that there is any evidence tending to show that General Babcock said anything to the President in reference to the suspension of the order. This is a conversation with an outside party, and therefore inadmissible." Yet General Dyer had distinctly charged General Babcock, in his opening speech, with procuring the revocation of the order. He now admitted that there was no evidence to maintain the charge, but wanted to prevent the defence from showing just how the revocation of the order came about. The reason for this disingenuous course, this anxiety to suppress the truth, was apparent the moment the testimony was admitted. Judge Dillon, in overruling the objection, said:

"We think that you could have no other purpose in the introduction of the testimony of Mr. Douglass. The jury may infer that there was improper motive on the part of Babcock in connection with that order. And if so, clearly, on the clearest principles, they ought to be entitled to remove that impression if they can do so."

Mr. Tutton went on to say that after his interview with the Commissioner, he next called upon the Secretary of the Treasury, and had a conversation with him in reference to the order. General Dyer again objected, more nervously than before, to the dis-

closure of Tutton's conversation with Secretary Bristow. Judge Dillon's ruling was of a nature to give some comfort to the District Attorney, and shut out the awkward facts he feared to have disclosed, but in a short time General Dyer threw away all the advantage he had gained. Judge Dillon said:

"It does not seem to be disclaimed here that the government will maintain upon the evidence of Douglass and the other witnesses that the defendant was improperly concerned in the revocation of the order for the transfer of the Supervisors. That must have been the purpose of that testimony, that order being a step designed by the Commissioner in order to ascertain the frauds to be ferreted out. Now we think it is competent for the defendant here to show the history of the revocation of that order to the jury. We don't think it material for the witness to go into a conversation with the Secretary of the Treasury, but if the witness called upon the Secretary in reference to this order, and was by the Secretary referred to the President, that fact may be stated."

Mr. Tutton said that after his conversation with the Secretary, Mr. Bristow directed him to call upon the President, and state to him substantially what he had stated to the Secretary. He went directly to the Presidential mansion, and stated to President Grant his objections to the order, as he had already done to the Commissioner and Secretary Bristow. The President said that it was thought that a great deal of fraud had been perpetrated in St. Louis and Chicago and other points, and this order had been issued with the hope that it might enable the Government to detect the frauds; that while he himself did not think the officers in St. Louis were involved in the frauds or had anything to do with them, he did think, from what he had heard, that frauds were being committed; that considerable political influence had already been brought to bear upon him to revoke the order, but he felt that it was necessary to carry it out, in order to put a stop to the alleged frauds on the Government. Mr. Tutton then explained to the President why he thought the order would not effect the object for which it was made. Its publication had already given notice to the distillers to put them on their guard, and the new officers would therefore find no traces of past frauds. While it might result in preventing fraud for the future, it would fail so far as the detection of past frauds and the punishment of those engaged in them was concerned. As he had already said to Secretary Bristow, he again said to the President, that in his opinion a better plan would be to send out some trustworthy



man who knew all about the distilleries, what they could do legally, and what it was unlawful for them to do, and let him visit them unawares and find out what they were doing before they had time to conceal the evidence.

"I said to him that I had suggested, to the Secretary of the Treasury, Revenue Agent Brooks as the very best person that I knew of to have charge of that business—most likely to get down to what was actually taking place at these points; that Brooks had been on duty with me for five or six years; that he was not only competent, but he was honest, was shrewd, and I was satisfied that if sent out there without anybody knowing, or the parties getting any information of his coming, I believed he would be able to detect the frauds that were being committed, if such were the case. Now, that is the substance of what took place, though the interview was a lengthy one, and I can't say that I recollect everything that was uttered.

"Q. 'You will state, if you please, what the President said? A. The President, after listening to my statement in regard to the matter, said that the more he thought about this thing, and the more information he had about it, the better he became satisfied that this arrangement would not accomplish what they had expected it would accomplish, and that he would order the revocation of it that day.'"

The result of this conversation was that President Grant ordered the suspension of the order. Mr. Tutton said, on cross-examination, that he had no conversation with General Babcock on the subject. The District Attorney then put some questions tending to draw out part of Mr. Tutton's conversation with Secretary Bristow,—the very conversation to which he had objected while Mr. Storrs had the witness under examination in chief. The scene that followed is very ably described in the *Globe-Democrat's* report:

"Mr. Tutton's testimony was exceedingly important, and amounted, indeed to a turning point in the trial. He showed clearly that the famous order of the President, suspending the order of Commissioner Douglass for the transfer of Supervisors, was brought about solely through his own intervention. And during the examination and cross-examination a curious scene occurred, wherein it was shown how easy it is, sometimes, for a really shrewd lawyer to walk deliberately into a trap of his own construction. The witness was asked by Mr. Storrs for the defense, to state the substance of a conversation he had had with Secretary Bristow, and the counsel for the Government objecting, the court very properly ruled out the question. Subsequently, on cross-examination, Colonel Dyer led the witness up to relate some of the details of this very conversation that had been ruled out on his own objection. Every one expected the counsel for the other side to jump up with a counter objection, and one of them did make a move to do so. But Mr. Storrs, whose management of the case throughout has been beyond all praise,

with a quiet gesture restrained his impatient associate, and the evidence was given unchallenged. As this line of cross-examination was going on, however, Judge Dillon, interposed with a remark to the effect that he had already ruled out this evidence on the objection of the prosecution. Storrs smiled a quiet smile of triumph, while Dyer looked absolutely scared when it dawned upon him what he had done. Storrs then rose quietly, and insisted that, as the counsel for the other side had introduced this matter, his side had a right to pursue the inquiry. Even Judge Treat smiled at the adroitness of the learned counsel, and the court, after brief debate, consented to admit the testimony to a limited extent. This was all that Storrs wanted, and he immediately proceeded to get in testimony to the effect that Secretary Bristow was a willing and consenting party to the suspension of the order to transfer the Supervisors, and that this consent had led him to suggest to Mr. Tutton that he should lay his arguments to that end before the President. Said a listening attorney to the reporter of this paper: 'If Secretary Bristow knew of this suspension before it was ordered, and if that suspension and subsequent revocation were brought about with his express consent, it seems that his motives in permitting General Babcock, and even General Grant, to be questioned in this matter, are somewhat queer. If Babcock is guilty, then the officers who signed the order of suspension must be guilty.'"

It was now clear to the jury, and to the country at large, why General Dyer was so anxious to exclude this testimony. There was no longer any shadow of doubt that Secretary Bristow was directly responsible for the revocation of the order; that it was done, not on account of anything that General Babcock did or said,—for in fact he had nothing to do with it,—but on the advice of Supervisor Tutton, approved by Secretary Bristow. The counsel for the Government should have known this; and had it been known to them, it can scarcely be supposed that they would have instituted the proceedings against General Babcock. There are only two possible explanations of the District Attorney's course of action. Either he knew what Secretary Bristow had done, and yet proceeded against Babcock with the deliberate purpose of casting a slur upon the President and his private secretary to serve Mr. Bristow's political ambition, or he was ignorant of the facts, and the responsibility for this prosecution must rest upon Secretary Bristow himself. In whatever way the case is viewed, it will be hard to find a scruple of palliation for this wanton arraignment of one of the most honorable and distinguished citizens of the United States.

Several confidential letters from Deputy Commissioner Rogers

to Macdonald were put in evidence by the defence, which tended to show that Macdonald had the full confidence of the Department down to the very date of the seizures. Some post-office officials were called to prove that the mail boxes in St. Louis were not intended for the depositing of valuable matter, and one of them said he could open any of the boxes with a stick.

Joyce's letters to General Babcock, and the letters of Babcock in reply, were read in evidence. Their nature has already been stated. The correspondence was begun in 1871 by Joyce forwarding editorials to Babcock, and some idea of Joyce's bombastic style may be gathered from such expressions as these: "This is the way General Macdonald and myself win friends for the administration." "I enclose herewith an article from the pen of the undersigned. Sumner and Schurz are for the first time shown up in their true light." "How do you like the ring of the article? We will make the 'cops' of this State hump themselves in the campaign of '72." To all such letters General Babcock sent courteous replies and acknowledgements, and was thus drawn on by Joyce into the telegraphic correspondence which led to the charge now made against him.

Several letters from the revenue agent Hoag to a member of the ring, Gordon Bingham, were also introduced, and their contents showed that Hoag was keeping the ring advised of everything that was contemplated to be done at Washington, in consideration of the bribe that had been paid him. This man went to Canada to escape punishment.

To rebut the statement of Everest about the two \$500 bills, and neutralize its effect, a witness was called for the defence,—a letter-carrier named Magill,—who testified that he had opened the mail-box near the Supervisor's office at Joyce's request, and handed back to him the two letters addressed to Avery and Babcock. The counsel for the Government were unable to impeach this man's veracity, but he was dismissed from the service because of his inconvenient memory.

The last witness for the defence was the President himself, whose deposition had been taken before Chief Justice Waite at the Executive Mansion. President Grant testified that he had known General Babcock since 1863, having first met him during the Vicksburg campaign in that year. From about March 1864

to the 4th March, 1869, General Babcock was an aide-de-camp on his military staff, and since that time had been acting as his private secretary. He had also, for several years, been Superintendent of the Public Buildings and Grounds.

His duty as private secretary was to carry to Congress all communications of the President, and he had charge of all correspondence, particularly that of an official character. He received the mails, opened letters and referred them to the appropriate Departments, submitting to the President such as required instruction or answer from himself. Applications from persons throughout the country to lay their matters before the President were of almost daily occurrence. "I have always," said the President, "regarded him as a most efficient and faithful officer. If an intimate association of twelve years with a man gives one an opportunity of judging what others think of him, I have certainly had not only an excellent opportunity of knowing his character myself, but of hearing the general reputation he sustains. That reputation is good." He then stated that he was intimately acquainted with Collector Ford, first in the State of New York when he was a lieutenant in the army, and Ford a young lawyer in the same town, and subsequently, from 1854 to 1860, when they were both living in St. Louis County. When Ford died, General Babcock brought him a dispatch from Joyce, in which Joyce practically applied for the position. "When General Babcock exhibited to me the dispatch from Joyce, I said to him that, as Mr. Ford had died away from home, and very suddenly, I would, in the selection of a successor, be guided to a great extent by the wishes of his bondsmen. The bondsmen recommended Constantine Maguire. I do not think Babcock ever sought to influence the appointment of Maguire, nor do I believe he was aware of the existence of Constantine Maguire prior to his recommendation as the successor of Mr. Ford. I do not remember of Babcock ever speaking to me on the subject of charges against Joyce or Macdonald; he took no lively interest in the matter, or I should have recollected it. He did not seek to influence my action in reference to any investigation into the alleged whisky frauds in St. Louis. I do not remember one instance when he talked with me on the subject of these investigations, excepting since his indictment. It was then simply to say to me that he

had asked Mr. Douglass why it was his department treated all their officials as though they were dishonest persons, who required to be watched by spies; why he could not make inspections similar to those which prevailed in the army, selecting for the purpose men of character, who could enter the distilleries, examine the books, and make reports which could be relied upon as correct." As to Macdonald's visit to Washington the President said: "I remember Macdonald being in Washington in February 1874, but not the precise date. I picked him up on the sidewalk as I was taking a drive. I invited him to go with me. I have no recollection of any word or words, or any matter touching his official position or business."

The President was next interrogated as to the order changing the supervisors; and his testimony utterly routed and exploded the theory of the prosecution, that its revocation was brought about by the intercession of Babcock in the interest of the St. Louis whisky ring. He confirmed the statement of Supervisor Tutton in every particular.

"'Some time when Mr. Richardson was Secretary, I think,' he said,—'at all events, before Secretary Bristow became the head of the Department, Mr. Douglass, in talking with me, expressed the idea that it would be a good plan occasionally to shift the various Supervisors from one district to another. I expressed myself favorably toward it, but it was not done then; nor was it thought of any more by me, until it became evident that the Treasury was being defrauded of a portion of the revenue that it should receive from the distillation of spirits in the West. Secretary Bristow, at that time, called on me and made a general statement of his suspicions, when I suggested to him this idea. On that suggestion the order making these transfers of Supervisors was made. At that time I did not understand that there was any suspicion at all of the officials, but that each official had his own way of transacting his business. These distillers having so much pecuniary interest in deceiving the officials, learn their ways and know how to avoid them. My idea was, that by putting in new Supervisors, acquainted with their duties, over them, they would run across and detect their crooked ways. This was the view I had, and explains the reason why I suggested the change.'

"Q. 'Can you state whether Mr. Douglass, at that time Commissioner of Internal Revenue, was aware of the fact that you suggested or made the order? A. I do not know that he knew anything about it.'

"Q. 'After the order had been finally issued, were any efforts made to induce you to order its revocation or suspension? A. Yes, sir; most strenuous efforts.'

"Q. 'Were such efforts made by prominent public men? Did you resist



the pressure that was made upon you for the revocation or suspension of the order, and if you finally decided to direct the revocation of that order, will you please state why you were induced to do so and by whom? A. I resisted all efforts to have the order revoked, until I became convinced that it should be revoked or suspended in the interests of detecting frauds that had already been committed. In the conversation with Supervisor Tutton, he said to me that if the object of that order was to detect frauds that had already been committed, he thought it would not be accomplished. He remarked that this order was to go into effect on the 15th of February. This conversation occurred late in January. He alleged that it would give the distillers who had been defrauding the Treasury three weeks notice to get houses in order, and be prepared to receive the new Supervisor. That he, himself, would probably go in a district where frauds had been committed, and he would find everything in good order, and he would be compelled so to report. That the order would probably result in stopping the frauds at least for a time, but would not lead to the detection of those that had already been committed. He said that if the order was revoked, it would be regarded as a triumph for those who had been defrauding the Treasury. It would throw them off their guard, and we could send special agents of the Treasury to the suspected distilleries—send good men, such a one as he mentioned, Mr. Brooks. They could go out and would not be known to the distillers, and before they could be aware of it, the latter's frauds could be detected. The proofs would be complete, the distilleries could be seized and their owners prosecuted. I felt so conscious that his argument was sound, and that it was in the interest of the detection and punishment of fraud that this order should be suspended, that I then told him that I would suspend it immediately, and I did so without any further consultation with any one. My recollection is, that I wrote the direction for the suspension of the order on a card, in pencil, before leaving my office that afternoon, and that order was issued and sent to the Treasury by one of my secretaries.'

"Q. 'Did General Babcock ever, in any way, directly or indirectly, seek to influence your action in reference to that order? A. I do not remember his ever speaking to me about it or exhibiting any interest in the matter.'"

In answer to further questions, President Grant said: "To my knowledge, General Babcock has not undertaken to prevent an investigation of his alleged connection with the St. Louis whisky ring. He has not used any effort with myself, or any one else, to prevent the finding of indictments against any person suspected of complicity with the ring. I have never seen anything in his conduct, nor has he said anything to me, which indicated that he was in any way interested in or connected with the St. Louis whisky ring. I have always had great confidence in his integrity and efficiency."

The questions propounded by the Government counsel on the cross-examination were of the most searching and inquisitorial character, no deference being shown the President on account of his high official position. He answered them all in his own plain, straightforward way, as will be seen:

"Q. 'General, of course you do not suppose, do you, that while General Babcock has been your private secretary, and in intimate and confidential relations with you, any one would voluntarily come to you with statements injurious to his reputation? A. I do not know any such thing.'

"Q. 'Perhaps you are aware, General, that the whisky ring have persistently tried to fix the origin of that ring in the necessity for funds to carry on political campaigns. Did you ever have any information from General Babcock, or any one else, in any manner, directly or indirectly, that any funds for political purposes were being raised by any improper methods? A. I never did; I have seen since these trials intimations of that sort in the newspapers, but never before.'

"Q. 'Then let me ask you if the prosecuting officers have not been entirely correct in repelling all insinuations that you ever had tolerated any such means for raising funds? A. I was not aware that they had attempted to repel any insinuations.'"

He went on to say—

"I never had a suspicion that anything was wrong about Ford. I had as much confidence in him as in any person I knew in St. Louis. We corresponded regularly, because I had such confidence in him that I left him to conduct my own affairs there; and I had to be constantly sending him money. I would send checks to him of \$500, \$1000, and \$1200 at a time, and he would pay out the money and account to me for it. My confidence in him was such that I did that without even saving my letters. Joyce was not recommended to me as Ford's successor by Babcock. He presented to me a despatch that he had received from Joyce, making application for the position. My reply to him was, that I should be guided largely in selecting the successor of Mr. Ford by the recommendation of his bondsmen. He having died suddenly, unexpectedly and away from home, I thought they were entitled to be, at least, consulted as to the successor who should settle up his accounts.

"Q. 'Did you advise General Babcock to telegraph to Joyce to get the bondsmen of Ford to recommend Joyce for Collector? A. I made the statement in substance that I made in answer to a former question. Whether I told him to so telegraph or not it would be impossible for me to say. That might be regarded as at least authority to so telegraph.'

"Q. 'Did you see any telegram of that character from Babcock to Joyce at that time? A. I do not remember to have seen any.'

"Q. 'Did General Babcock at that time show you a despatch from Joyce in these words?

"('ST. LOUIS, October 28, 1873.—See despatch to the President. We mean it. Mum. JOYCE.'"

"A. 'I do not think that my memory goes back to that time. Since these prosecutions were commenced I have seen that.'

"I left the nomination of Ford's successor to his bondsmen," the President went on to say, "because they were liable on the bond, and some of them were men I knew very well, and had great confidence in. I do not remember to have received a protest against Macdonald's appointment, signed by Carl Schurz and others; I do not know that it would have had any particular weight with me, his endorsement being good. I had never heard of Joyce, and did not know of the existence of such a man until he was appointed on the recommendation of the then Commissioner. I knew that Babcock received frequent letters from Joyce, for I saw a number of them myself; and those that I did see were generally as to what he was doing in the way of writing editorials for the different papers and inclosing editorials, which he would say in his letters he had written, and asking how he liked the tone of them and so on; I recollect of him saying in one letter that some papers in the State of Missouri, and, perhaps, in Arkansas—at different points, at all events—were willing to publish as editorials, matter that he would write for them. He showed me a letter that had been handed to him from somebody in Philadelphia to Mr. Rogers, and he said that appeared to his judgment to be simply blackmailing, and I think that was the occasion when he told me what he had said to Mr. Douglass; that is as I remember it now. I have heard General Babcock's explanation of most or all of these dispatches."

"Q. 'You have said that you resisted the pressure brought to bear on you by prominent public men in regard to the suspension or revocation of the order transferring Supervisors. If you have no objections, will you please state the names of those prominent men who brought that pressure to bear on you? A. There were many persons, and I think I could give the names of several Senators, and probably other members of Congress, but probably I should have to refer to the papers that are on file. I do not know that it is material. I know that the pressure was continual from the Supervisors and their friends.'

"Q. 'Can you, from memory, name any Senators or Representatives? A. I could name two or three, but I do not believe that it is necessary.'

"Q. 'Did General Babcock at the time tell you he had endeavored to influence Commissioner Douglass to revoke that order? A. No.'

"Q. 'Since you say that General Babcock has not manifested to you any desire to interfere with or prevent the trial of the indictments against himself and others, will you be so good as to state whether any of his friends for him, have at any time since these indictments were found endeavored to prevent the trial of the indictments against him or any other indicted parties? If so, please state who have made such efforts? A. They have not with me.'

"Q. 'Did Gen. Babcock show you a telegram from District Attorney Dyer, saying that the next conspiracy case would be tried on December 15, 1875? A. He did. I did not remember about the date particularly.'

"Q. 'Now I suppose, Mr. President, that the substance of your testimony

is—what we all know to be true—that if there has been any misconduct on the part of General Babcock, it has not come to your knowledge? A. Yes, sir, that is true.’

“Q. ‘You do not know, of course, do you, whether Mr. Douglass suggested to Secretary Bristow the same thing about the transfer of Supervisors what you say he originally suggested to you? A. I do not know anything about it except from the Secretary himself.’”

It was expected that the Government would call some witnesses to impeach the credibility of Magill, but they did not do so, and the case on both sides was closed.

Judge Porter moved the Court for a peremptory charge to the jury, directing an acquittal, on the ground that no sufficient evidence had been produced to carry the case to the jury on its merits.

“We supposed,” he said, “that we might well have raised the question of law which we now propose to submit, at the close of the evidence for the prosecution, but we thought it advisable in any view, we thought it due to the court, to the jury, to the defendant and the cause of public justice, and the country at large, that all questions in regard to the mooted facts should be removed by affirmative evidence upon our part, such as we did not ourselves deem to be necessary, but which was proper, and which we were bound to submit. We pursue in this case the same line which was adopted on the trial of Judge Fullerton in the Circuit Court of New York, before the illustrious and lamented jurist, Judge Woodruff. We preferred not to raise the question until the whole evidence was before the court. And now, in view of that evidence, we respectfully submit for the consideration of your Honors whether the precise case has not arisen which has been so often acted upon, not only in England, under the common law, but by the ablest and most eminent jurists, as well in the Federal as in the State courts, under like circumstances. We think it is a case which calls upon the court for the same interposition which we find reported extensively in the books from jurists like Marshall, like Story, like Curtis, like Woodruff, not to mention others who are still among the living, and whose names shall be equally honored when they shall have passed from the scenes of life.”

After reviewing the undisputed facts of the case in relation to the conspiracy, he came to the question,—Was Babcock an agent?

“The prosecution has had the advantage of six months unwearyed services of the detective force of the Treasury Department—the best organized detective body that perhaps was ever to be found in any country except that headed in France under the reign of the First Napoleon, by the celebrated Fouché. They have had advantages, not only those facilities which are afforded the commercial community, but they have been furnished with force and ability to reach and produce the unsealed correspondence of General

Babcock, whatever it was, with any one on earth, through the telegraphic dispatches. They have had the further advantage of a publication of this case extending to forty millions of people, through the constant notice in the public papers of the accusations, or suspicions, or rumors or supposed evidence against General Babcock; and now, when we come to the day of trial, what is the result? They have not produced from all these sources one single letter from General Babcock showing his knowledge of the conspiracy, or his purpose to aid in accomplishing its end."

The letter that Everest mailed at Joyce's request, he was unable to swear contained money, and there was evidence that Joyce had reclaimed it from the box. It was a trick of Joyce to restore confidence to the minds of his confederates in crime, to induce them to make further advances of money. Babcock's conduct throughout had been entirely open and straight-forward. He sent no information of the coming of revenue agents, and did not even know when they were to be sent out. "If he was a conspirator, he was so without conspiring, without word or act, without knowledge of the covenant, without motive, without temptation, and without reward."

Judge Dillon overruled the motion for two reasons. First, there were facts which were not undisputed,—for example, those relating to the letter testified to by Everest and Magill. Second, the proper inferences to be drawn from the telegrams and other facts were not so clear and certain, in the mind of the Court, as to enable them to declare their effect as a matter of law. The case must therefore be left in the hands of the jury. The jury, however, were warned that this denial of the motion must not be construed into an indication of the opinion of the Court as to the strength of the evidence. That would come in its proper place in the instructions the Court would give at the close of the argument.

On the eleventh day of the trial, Colonel Broadhead made the opening argument for the prosecution. He began by reminding the jury that the nation was oppressed by a public debt which was paralyzing the arm of industry in almost every part of the country, and that the taxes raised for the purpose of paying off that debt fell more or less heavily on every citizen. This appeal to the pockets of the jury,—which was composed largely of Missouri farmers,—was shrewdly calculated to arouse them to indignation against the whisky thieves, who had stolen, as Colonel Broadhead put it,



"enough money to pay the interest upon the public debt." It was hoped by the Government counsel that in this storm of indignation General Babcock would be swept away. Colonel Broadhead next impressed the jury with a sense of their own dignity by telling them that the ties of party obligation were such that the people themselves could not remedy the evils of corrupt administration by means of the ballot-box, but that their only safeguard was in the strict enforcement of the law by courts and juries. "You," he said, "have it in your hands to purify the country of corruption." If they were satisfied of the defendant's guilt, they must convict him, no matter how high his position, nor what might have been his previous character in the history of this country or in his own private life. "The law is no respecter of persons; high and low, rich and poor, are equally subject to its provisions." With this impressive exordium, Colonel Broadhead proceeded to state the law as to proof of conspiracy and reviewed at great length the history of the St. Louis ring. Coming to the telegrams, he made the most of the peculiar wording of those of Joyce, and held General Babcock responsible for the inferences that the Government counsel drew from them. He ridiculed the suggestion that the word "mum" meant that Joyce wanted his having been a candidate kept quiet. Was there any disgrace in having been a candidate? To break the force of the argument for the defence, that Macdonald knew of the abandonment of Brooks' expedition before Babcock did, he insinuated that, notwithstanding Macdonald's gleeful telegram about the goose, dated December 8th, the Commissioner really did not change his mind till the 15th, two days after Babcock's "Sylph" telegram. But there was no evidence of this, and the Commissioner's own testimony disproved it. Notwithstanding the President's own plain testimony, he insisted that no effort had been made by politicians to induce President Grant to recall the order as to the Supervisors. He made much of the mysterious word "Sylph," and claimed that it was a cipher agreed upon between Joyce and Babcock; as to which, again, there was no evidence. These examples, together with the astute Colonel's way of reading the first telegram from Babcock,—“See that Ford's bondsmen recommend you,”—accentuating the word *you*,—are sufficient to

show how determined these partisans of Bristow were to convict General Babcock at all hazards. Colonel Broadhead, not being able to impeach Mr. Tutton's veracity, insisted that his reasons for asking the President to suspend the order were puerile, and that the President's interference was "most unusual, and of doubtful authority under the law." Notwithstanding the straightforward testimony of Major Grimes, he still saw something wrong in Babcock's corresponding with Macdonald under cover to that gentleman, and concluded his argument by saying:

"If Babcock had a general knowledge of the object of these parties; that they were attempting to defraud the Government, and he aided them in doing it either by warning them of the approaching danger, or assisting them in the rescinding of orders, or anything else by which they could have been benefited, whether he ever received money or not, it matters not, he is a guilty party to this crime. It matters not how high he may have stood; it matters not what position he may have held, if he is guilty of this crime he is to be punished. When the Minister of Charles I. was arraigned before the House of Lords for high treason, not against the King, but against the laws of the country, that distinguished commoner, in his eloquent denunciation of the Earl of Strafford, said 'nothing can be more equitable than he should perish by the justice of that law which he would have subverted,' and he spoke of a man who had sat side by side with him as a vindicator of the law and a champion of English liberty in days past. But he had yielded to the inducements of Charles I., and betrayed the people, and he met his just judgment. So, gentlemen, if you should find from the facts in this case that corruption has nestled within the precincts of the Presidential Mansion, it becomes your duty to crush it out, no matter what may be the consequences."

Mr. Storrs followed Colonel Broadhead, and occupied the afternoon of Saturday and all of the following Monday with his argument for the defence. "The fame of Mr. Storrs' qualities as an advocate," said the *Globe-Democrat*, "had gone abroad, and an eager throng crowded every avenue leading to the court-room in the hope of gaining a chance to listen to the expected eloquence. Not more than one-fifth of the applicants for places could, however, be accommodated, and the police had a hard time in keeping the surging multitude in order. They succeeded, however, and in spite of the crush outside, the inside of the court-room presented throughout the whole afternoon an appearance of perfect order. Mr. Storrs' few first words were so quietly delivered that they were hardly audible across the court-room, but, as he warmed to his subject, his matchless elocution and splendidly

modulated voice told with thrilling effect on every listener, and his disclaimer of any intended oratorical effort only served to point more effectively the eloquence with which he conducted his completely logical chain of argument. The speaker's frame is fragile, and his organization extremely nervous; it therefore seemed, to all who heard him, a marvel that so vast a power of vocal inflection could be wrought out from so apparently slender a physical basis. As point after point in his argument was made, his powerful voice seemed to shake the frame from which it issued, as a high-pressure engine will shake a piece of delicate machinery. After about an hour of his speech the intensity of his emotions began to tell on the strength of his voice, and hardly anybody was surprised when, near 4 o'clock, his physical energies succumbed, and he had to ask the indulgence of the court to continue his argument on Monday morning."

The first premonitory symptoms of the disease which so suddenly cut him off had appeared at this early stage of his career. In asking an adjournment, Mr. Storrs said:

"I have palpitation of the heart sometimes, and I shall have to rest some minutes, at all events. It will be very difficult for me to talk much more.

"Mr. Dyer. 'I ask, if your Honors will grant my request, that Mr. Storrs be permitted to close his argument on Monday morning. I dislike to ask so much more time, but I know he would willingly go on if he were in a condition to do so.'"

Mr. Storrs began his argument by referring to the great public interest which this case had excited, and went on to say:

"I am a firm, thorough, devoted believer in the ultimate right of what is called public opinion. I believe that it is almost always correct and almost always right upon the premises upon which it is founded. A well regulated public opinion, understanding all the facts, moving without bias or prejudice or passion, is, I am glad to recognize, the surest earthly evidence we have of truth. But, gentlemen of the jury, it has never been considered a very safe element in the administration of justice, since nearly 2,000 years ago it profaned the judgment seat, and insulted heaven with the cry 'crucify him, crucify him!' You are here, to-day, as jurors in a great and solemn case. I am here as an advocate in that case. You have your duties to perform, I have mine; and I ask, I pray you, gentlemen, as we both enter upon the performance of these duties, that we may do it with hearts void of offense toward all; that you may dismiss from your minds every bias of prejudice and passion, which by any earthly possibility could have found a lodgment there; that with clear judgment, unwarped by any breezes or heats of public controversy; that with unprejudiced hearts, unaffected by

the poison of political passion, and that with pure, upright, honest judgment, untwisted by any mere private feelings of your own, we may approach the discussion of this great case.

"Let us, with God's help and our own, reach in the investigation we are pursuing, and in the conclusions to which we shall ultimately arrive, the full height and measure of this mighty argument. If you have prejudices, dismiss them. If you have preconceived opinions, put them down. If you have feelings that have already been aroused, smother them. Approach and come to this great question with that rectitude and perfect fiber of conscience which the law and your own better judgment demand. We are all, gentlemen of the jury, far, very far from being perfect. There is no duty which men are ever called upon to perform so solemn in its nature as that of passing judgment upon the motives of our fellows.

"The poet has well said, and I repeat it;

'In men, whom men condemn as ill,  
I find so much of goodness still;  
In men, whom men pronounce divine,  
I find so much of sin and blot;  
I hesitate to draw the line  
Between the two where God has not.' "

He complimented Colonel Broadhead on the ingenuity of his argument, "but," said he:

"You will agree with me, gentlemen of the jury, when I tell you that but one general impression could be drawn from the speech of Col. Broadhead. It was a speech, gentlemen, without heart and without faith in the case he advocated; able to the very last degree, able in the statement of facts which were not proved, able in the suppression of facts which were proved, able in the distortion and contortion of facts, the obvious existence of which no man could controvert. For nearly two weeks have we been engaged in this investigation. Day after day passed before the name of this defendant had even been mentioned. We investigated down to the very last detail all the circumstances attending the conspiracy about which so much has been said, and concerning which all men's mouths and minds have been full. It is well for us to-day, gentlemen, it seems to me, before proceeding to the discussion of this case, to determine in our own minds just what the refuse matter of the case is, and what is the actual issue that this record presents to us."

He challenged the prosecuting counsel to show a single syllable in all the vast volume of evidence to which the jury had listened, directly connecting General Babcock with the conspiracy.

"The Government was defrauded by the removal of high wines without the payment of the taxes, and more than one thousand miles separated this defendant from the active theater in which this conspiracy was in operation. How, then, does he become a conspirator? What has he done in

furtherance or this corrupt and fraudulent scheme? He has removed no spirits; that is not claimed. It is avowed by the learned counsel who have addressed you, that the position that he filled was to furnish information—of what? They say, of the coming of detectives. I say now to you generally, gentlemen, and I will demonstrate it before I have finished, that if that was the part assigned to General Babcock he miserably and wretchedly failed in its performance; for, during the whole period of time covered by the operations of this conspiracy, not one single syllable of information did he ever furnish to the active conspirators with reference to the coming of any human being here to investigate their frauds. Was it to give information generally? There is not in all this vast mass of testimony, piled up as it has been within the last two weeks, one single syllable of evidence showing, or tending to show, that General Babcock ever communicated to a single member of this conspiracy one single item of information which they had not before that time possessed. To-day it was hinted by Colonel Broadhead that the peculiar mission he was to fill, and the special duty which General Babcock was to perform, was to prevent the sending of officials hither. There is not one single syllable of evidence in this case, gentlemen of the jury, and I challenge your attention to that fact—not one single syllable of evidence showing, or tending to show, that he ever prevented a single man from coming here. I pause right here upon the very threshold of this case. What in the name of God was he to do? For what was he to be paid? What part was he expected to play in this grand conspiracy? Two weeks have come and gone, reams and reams of testimony have been taken, the whole power of the Government has been employed for nearly a year in developing the facts. The cradle and the grave have been robbed for evidence. Every telegraph office in the country has been ransacked and raided, the sanctity of privileged communications between counsel and client has been invaded, and yet down to to-day there is not one single syllable of evidence from which any honest, right-minded man can say that he could tell or guess what part in this conspiracy General Babcock was to play.”

He appealed for a fair construction of the telegrams which had been put in evidence.

“Now, gentlemen, you must, when you come to consider these facts, put yourselves back to the period of time when all these facts occurred. When you come to read these dispatches and these letters you must read them not in the light of to-day. It is a false light; it will mislead you; but in the light of the day when they were written, and when the parties to them received and read them. Read these telegrams sent to Babcock in the light of the days when *he* received and read them, when Joyce and Macdonald were, so far as he knew, honored officials and trusted men; and do not read them in the light of to-day, when, broken in character and bankrupt in reputation, they fill a convict's cell. Read them, remembering this, that with all the gigantic preparations that have characterized this case from its commencement till to-day, not one single syllable of evidence has been adduced that General Babcock ever suspected, or had reason to suspect, that



down to the time of their indictment, Joyce and Macdonald had been engaged in any conspiracy against the Government. I challenge your attention, one and all—your solemn attention—to this inquiry: Go through with all the patience and care that you can, note every word that has been dropped upon the witness-stand, and tell me where is the proof that General Babcock ever suspected, or had reason to suspect, that Joyce and Macdonald were engaged in a scheme to defraud the Government. Take this question, put it in your heart of hearts, carry it with you into the jury-box, look each other in the face, and ask each other that question, and then come back into court with the solemnities of your oaths resting upon you, and answer to this court and to the country. Where is the evidence? In ordinary times and under ordinary circumstances, I might rest this case right there. I defy any man who knows the evidence in this case to point to me the spot or place which indicates that General Babcock knew the corrupt schemes in which Joyce and Macdonald were engaged; and if he knew them not, the case fails at its very threshold. Gentlemen of the jury, either of you may give information of the most unimportant character to a man who in his heart is the most notorious scoundrel on the planet. The information which you then communicate may be absolutely indispensable to enable the party to whom it is communicated to consummate and carry out the crime. But you know in your hearts, and, following me, have already made the suggestion to yourselves, that the communication that that intelligence which may have ripened into the most stupendous crime, can not implicate you unless you knew the character of the man to whom it was given, and the purpose for which it was to be employed."

Mr. Storrs proceeded to review the telegrams between Joyce and Babcock, and to show their entire innocence, so far as General Babcock was concerned.

"Ford was an old-time friend of the President. They had been old-time friends for a quarter of a century. He had died, and if there is a man in this country whose heart warms up to his old friends and those whom he had known in his earlier days, it is the heart of the President of the United States. He is very slow to forget them; he is very slow to bury out of sight any act of kindness that in olden time they have done for him. He is very quick and ready to forgive the old friend whom for a quarter of a century he had known, and who was dead. Away from home, alone, suddenly, he had died; and with that pall about him, Joyce knew the chord that he would strike.

He telegraphed to the Private Secretary of the President, 'Poor Ford is dead. Macdonald is with his body.' Gentlemen of the jury, is that evidence of guilt? In the name of God, to what conditions have we reached if that is evidence of guilt? What will you have a man do in order to avoid a conclusion of guilt? What shall he not do in order that he shall not be considered guilty? On the very day that Ford died, or on the very day at least that this dispatch was forwarded by Joyce to Babcock, the sureties upon the bonds of Ford interested in the matter, telegraphed to the Presi-

dent. Let me read to you, and let me explain the situation, because, when the situation is fully explained, the miserable pretense that there is guilt in these dispatches fades entirely away, and it leaves no smear or stain, except upon the hands and tongues of those who have made the charge. Ford was away from home when he died. His sureties, leading, prominent men in the city of St. Louis, were liable for all the acts of his deputies, of whom they knew nothing. The bond was a large one, and it was a question in which their interests were very seriously involved. Accordingly, on the 25th day of October, 1873, the very day upon which Joyce had sent this dispatch, this one was forwarded to the President: 'Please see our dispatch of this day to Delano, and tell us how, as securities of our friend C. W. Ford, we can protect ourselves from any wrong action of his deputies.' Now watch, gentlemen, and see the light come in; watch and see these unhealthy vapors, which have been thrown around this case for the last month, dispel themselves and shrink away."

He showed from the President's deposition that General Babcock had not recommended Joyce, and had nothing to do with the appointment of Maguire as Collector.

"Now, I come to the first dispatch from Babcock, and you remember the hullabaloo about the accent, 'See that Ford's bondsmen recommend you.' I do not care where you accent that, in view of these facts. You may put the accent all along, so that there shall be no partiality in way of accent; you may accent it at either end, or both ends, or through the middle, but, with the facts, there is not the slightest earthly significance to the accent. Why did he send that, now? Why, you know that the President had first told him that he was going to consult Ford's bondsmen, and answering Joyce's dispatch, he says to him—it amounts to this when it is all expressed: 'You cannot get this place unless Ford's bondsmen recommend you. If you do, you are doubtless all right; if you do not, you are just as doubtless all wrong.' Ford's bondsmen did not recommend him; and now I come to another very extraordinary feature in this case. Colonel Broadhead says that Joyce tried to get Ford's bondsmen to recommend Maguire. Now, what is the matter with that statement? Nothing, only it ain't true. The only objection I have to it is that there is not the slightest foundation in fact for it; and that, I beg to remark, in a court of justice, is always considered a serious objection to a statement. Treated as a pure romance, as a mere effort of the imagination, I might admire it; as such, I do, because it does require an athletic effort of the imagination, which I must admire, to get out from the facts in this case, and the sea of evidence which surrounds it, the remarkable statement that Joyce tried to get Ford's bondsmen to recommend Maguire. Gentlemen, there is not a single syllable of proof, or semblance of proof, of this statement. My good old friend, Colonel Broadhead, ought to have known better, and I think he does.

"We have all been in conventions, and we have seen a candidate for nomination; after it has become perfectly evident to him that he cannot succeed, worship the rising sun, rush to the front, and with a marvelous show

of magnanimity, move the unanimous nomination of his rival. On the 28th day of October, 1873, John A. Joyce, finding that his own aspirations had faded away, comes with a show of magnanimity absolutely splendid, and says, 'Macdonald and I recommend you to do what you have already decided to do. We recommend you to nominate Constantine Maguire because we know you are going to do it. We recommend you to nominate Maguire because the bondsmen to whom, in a great measure, you are to submit this question have a day or two before this recommended him;' and then, after having done that utterly useless piece of literature, the whole thing having been previously determined, he sits down and writes a dispatch to General Babcock, which the General never answered—'See our dispatch to the President. We mean it. Mum.'

"Colonel Broadhead asks what that means. Just exactly what it says. Joyce always did attach to his dispatches an importance which nobody else attached to them. The real moving men, upon whose recommendation the appointment of Constantine Maguire depended, were Krum, John M.; Henry T. Blow and William H. Benton, the sureties on Ford's bond. They had spoken; they had represented to the President the danger that they were in from the action of Ford's deputies. The whole question had been settled. Mum about what? Mum about Maguire's appointment? How ridiculous that is! Why every newspaper in the country had published that to the world. Mum about what? Mum about the fact which these gentlemen did not know till this trial began. Mum about the fact that Joyce himself had been an applicant for the place. Why, Colonel Broadhead says that is queer. Not a bit of it. He had been an applicant and was defeated. Now, gentlemen of the jury, men are not anxious to have unnecessarily published to the world the fact that they had applied for an office and could not get it. Joyce was like the balance of mankind in that respect precisely. Translated in full, he says to Babcock: 'I come down; I am beaten; I am perfectly satisfied, so far as I am concerned, with Maguire's appointment; I carry no disappointment in my heart; but, General, there is no use saying to these fellows down here—it may affect me with them, and there is no use in publishing the fact—that I myself wanted the place and did not get it.'

"Joyce accepted the situation, and telegraphed to Babcock that he waived his own claims, because he was obliged to waive them; and then he goes on to say that this fact, circulating in the newspapers, the newspaper hawks had got hold of it—'just enough to spread themselves'—as he says, 'and tell more than anybody else knew.' Now, then, I read the balance of this letter, gentlemen of the jury, because, although it is dead and lifeless, yet it is eloquent with the truth of the situation, which these parties held toward each other at that time: 'I am sure,' he says, 'if the President act upon the recommendation of the bondsmen and what has been sent from the officers, the interests of the Government will be secured, and the public generally will be satisfied. Words are not sufficient to convey to yourself and the President the pride I feel for the confidence thus far displayed in me in connection with the vacancy. I shall endeavor in my future action

to continue to meet the good wishes of the President, and you will please convey to him my most hearty thanks for his kindness and confidence.'

"Now, gentlemen of the jury, unless, since this investigation began, human nature has changed itself, unless the whole current of human affairs has been reversed, unless human motives and the methods in which they express themselves have been absolutely revolutionized, it is utterly impossible that on the day that letter was dated, written and received, General Babcock held to John A. Joyce the relation of one conspirator to another. Why, the entire purpose, object, scope and intent of the letter is to impress upon its recipient the idea that he, Joyce, is engaged not in any scheme to defraud the revenue, but that he is an honest, faithful, vigilant officer, in whom, by the President and his Private Secretary, the largest measure of confidence can with safety be reposed. In the presence of these facts which are in this record, gentlemen of the jury, and which can not be removed from it, I denounce the charge which is made against this defendant as participating in the appointment of Maguire for any guilty purpose, as wicked and cruel to the last degree."

Their Sunday's rest appeared to have had a good effect on the jury, who all looked bright and fresh when they came into Court on Monday morning. Though Mr. Storrs had spent his Sunday largely in laborious preparation, he also arrived in good spirits, and as he would say, "with his war paint on." The interval was fortunate for him both ways, because he was ready for a good day's talk and the jury were refreshed and ready to listen.

"As soon as Court was set and counsel were in their places,"—to quote again from the admirable report of the *Globe-Democrat*,—"Mr. Storrs commenced his argument in a quiet, business-like fashion, which created a feeling of disappointment among those new attendants who had come expecting a sensational palaver. They did not know the manner of the great advocate to whom they were about to listen. He commences always in a low monotone; his speech slow, deliberate and passionless as a money-lender discussing the value of securities offered for a loan. It is possible Mr. Storrs has had opportunities for studying this peculiar style of oratory, as many men of genius have had before him. After a few preliminary remarks, in which he rehearsed the concluding points of his speech on Saturday, he warmed to his subject, and, before fifteen minutes had past, had, with his vivid and powerful reasoning, made an electric circuit between himself and his auditors which compelled a vibrative response from every mind and heart in the throng. Like the day on which he spoke, he commenced dull and torpid (though never



cloudy), and like that day his speech soon burst through the mere morning mist into the full sunshine and splendor of Demosthenic eloquence. The effect of the speech was perfectly appalling at times, particularly when he indulged in invective or irony. His mastery of both these weapons of the rhetorician is something to wonder at. His ironical remarks concerning the amazing uselessness of General Babcock as a co-conspirator brought out a smile from even the iron face of Colonel Dyer, and a smile, too, which showed that the sagacious, sardonic Prosecuting Attorney was for once surprised out of thinking out his case into a genuine expression of admiration for his opponent. But it is in invective that he showed to the greatest advantage, and his invective is nearly always maliciously barbed by the delicate air of refined politeness with which he lacerates the flesh of the victim, for the time being, under his hands. Mr. Storrs showed that he was master of the thunder of invective, as well as of the lancet blade, which hardly leaves outward trace of the stroke which may reach the life-blood of reputation. When, in reference to the manner in which the prosecution had been conducted, he referred to one of the attorneys as having sought certain evidence, with all the savage hunger of a hyena hunting for a cemetery, his strident tones and impressive gestures sent a thrill throughout the room such as is rarely known in a law-court."

He first took up Joyce's telegram just before starting for San Francisco,—“Make D. call off his scandal hounds, that only blacken the memory of Ford and friends.”

“That very dispatch,” he said, “is demonstrative, to my mind, as I have no doubt it will be to yours before I have finished, that not only had General Babcock no guilty knowledge of the fraudulent purposes which the gentlemen in St. Louis were promoting, but that they at that time took every occasion and resorted to every device to conceal from him the real nature of the schemes in which they were engaged, and to impress upon him the fact that as officials they were honorable and altogether to be trusted.

“‘Make D. call off his scandal hounds.’ For what? In order to prevent investigation into frauds, supposititious or real, here in the city of St. Louis? By no means; but another reason is given—‘That only tend to blacken the memory of Ford and friends.’

“Now, who was Ford? Ford, as I have said to you, was dead. He had been the old-time friend of the president; their associations had been cordial, intimate and friendly to the last degree; and Joyce, with the sagacity and shrewdness which he possessed, knew very well there was no



chord he could possibly strike to which there would be a readier response, than a defense and protection of the memory of the dead friend of the President. The President tells you in that terse, vigorous, clear and unmistakable language for which he is so justly celebrated, precisely who Ford was. It is a matter of no difference to the President to-day that clouds have gathered about the memory of Ford. His heart beats as kindly towards him and his memory as it ever did in the old time a quarter of a century ago, in the State of New York. Slander may have been piled on him; all manner of venom may have been heaped upon his memory; the tooth of scandal may have bitten it through and through; and yet there lingers in the heart of the President the same feeling of affection that he ever entertained toward the memory of his old friend."

After quoting fully the President's deposition in respect to Ford, Mr. Storrs went on to say:

"It is pleasant, gentlemen, it is delightful, to strike somewhere in the desolate desert of this case a confidence like that where, through these long and weary weeks of investigation, in which truth seems to have absolutely deserted us, in which the confidence of man in his fellow-man seems to have been a thing of the past—it is absolutely delightful, I say, and encouraging to our human nature, to strike a green spot like this. Holding a position the most exalted in the nation, with a reputation world-wide behind him, the President of the United States has not forgotten or forsaken the memory of his old friend. Twenty-five years ago—it is a long period of time in the rushing events which have surrounded us—young men, and struggling young men together, C. W. Ford and the President became acquainted in the State of New York. That acquaintance continued unbroken, undiminished by suspicion, confidence in the integrity of each other strengthening and strengthening as the years passed on, and finally when resulting from the gigantic events through which we have passed, the modest man who is to-day as the head of the nation was elevated to the position which he occupies, that confidence was undiminished, and hundreds and thousands of dollars passed between these men of which no sort of record was kept, no memorandum preserved. Confidence was so perfect and complete that it was not deemed essential. On the 14th day of March, 1874, Joyce, who understood as well as any man possibly could understand, the deep feeling of affection which the President entertained towards the memory of Ford, sends a dispatch to his Private Secretary, sudden and unannounced.

,'Start for San Francisco to-morrow. Make D. call off his scandal hounds, that only blacken the memory of Ford and friends.'

"Very well did John A. Joyce know that an appeal of that character made to the Private Secretary of the President would meet with a quick and ready response, and it did. Taking this dispatch in his hands, the Private Secretary of the President, the defendant in this case, did what? Did, gentlemen of the jury, precisely what you would have done. Ford was dead and gone; the grave had covered over him. He had passed the

dark river; but his memory was still fresh and green in the heart of the President. Thus appealed to, the defendant in this case takes that dispatch and goes to the Commissioner, telling him that he has learned that an attack is about to be made or has been made on Ford, and confining his investigations and his inquiries exclusively to that point. The Commissioner tells him that it is a mistake, and that there are no charges against Ford. Moreover, and as absolutely characterizing the purpose for which these inquiries were made, Mr. Douglass, upon the stand, tells you that they were directed to no officer holding position here in St. Louis—that they had no reference to any proposed investigation into the probity of their official conduct, and that not the slightest disposition was exhibited to check these investigations, to postpone them or to prevent them, but that solely and exclusively this defendant confines his inquiries to Ford; and having ascertained from the Commissioner that there were no charges against him left, his errand was finished and complete. And yet, you are asked to deduce from these circumstances, from this telegram, and from the facts proven in the case which surround it and light it all up—you are asked to deduce a conclusion of guilt. To what desperate extremities, in view of these facts, must this prosecution be driven, when twelve men are drawn from their homes to sit as jurors under the solemnity of an oath, and they are asked to put down every prompting of their consciences and every throbbing of their hearts which, as honorable men, must prompt and throw all in the same direction, and denounce as a crime an act in the highest measure honorable to the defendant in this case.”

He argued that if Babcock had been in the confidence of the ring, Joyce would have told him the real reason for calling off the “scandal hounds.” He would have said, “they will discover our purpose in my absence.”

“But this dispatch is an absolute demonstration that not only did General Babcock not know the schemes in which these men were engaged, but that Joyce took every means to conceal from him the fact, and render it impossible that he should know, understanding perfectly well that if he did know, from General Babcock he could get no assistance. He assigned the reason which he did assign, knowing that there he would touch a chord to which there would be an immediate and instant response.”

Had Babcock been a conspirator, he would have known why Joyce was sent away, and Joyce would have appealed to him to help him to stay where he was. But Babcock innocently wrote, “I do not know your instructions on trip to San Francisco; I think, though, it is because D. trusts you to do important work.” And Joyce never asked him to intervene, except to have the “scandal hounds” called off, because they would only “blacken the memory of Ford and friends.”

“You will ask yourselves the question, What, in response to that dis-

patch, did the defendant do? And you will answer, he went to the Commissioner of Internal Revenue and asked of him whether there were any charges against Ford in the Eastern District of Missouri. Ford was then beyond the reach of human process; no indictments could disturb him. His mouth was closed, his ears could not hear. It was to protect a memory which I presume this prosecution would have indicted if they could—they have done the next best thing—not able to drag into this court the memory of a dead man—not able physically to trail it through the polluted mire with which these self-convicted felons have filled this court for the last months and months—yet they have blackened that name; and it was that name and that memory, then absolutely above suspicion—and against which no word, up to that time, of reproach had ever been uttered; it was with reference to that name and that memory that this defendant made his inquiries. That is the act that he did. If it is guilty, punish it. If to respond to such a call as that is a felony, characterize it as a felony, and punish it accordingly. But if you do that, gentlemen of the jury, you might as well leave your own hearts behind you. If you have friends you may as well prepare to abandon them. There is not a man upon this jury whose good name is not very dear to him, and in the still hours of the night when you call up in review your past, and it troops in slow procession by you, and you think of the future that opens before you, and you see your children about you, there will occur to you this thought, that there are those growing up about me, who, when I am dead and gone, will remember the good deeds that I have done and will vindicate my name. It is the sweetest reflection which men have, and it comes to us all. If you have no such friends as that, gentlemen of the jury, you have no friends worth counting on as such. You would, from your place in heaven, when you are dead and gone, look down upon and bless the men who vindicated your name and saved it safe from scandal; and to-day and to-morrow, from your jury-box, I want you to look upon this defendant, and the great and modest man in whose interests he acts, and thank him for doing for the memory of C. W. Ford a noble and manly act. Say to him, gentlemen of the jury, and say to the whole court: 'These are not crimes: these are deeds that lift us up from the baseness of earth, and make us absolutely immortal.' I wish that when you come to render your verdict upon this act of Gen. Babcock and the President, you could render one specifically upon the deeds which surround that transaction. I wish that you could tell the country, as you would desire to tell the country, trumpet-toned, that here is a deed selected from the desert which has surrounded us, that is green and eternal in its beauty and in its freshness."

After arguing that Macdonald's inquiry as to whether revenue agents had been sent into his district was perfectly legitimate under the rules of the Department, and was properly answered by Babcock, he went on to say:

"You will be told, and you have been told that Joyce and Macdonald were then actively engaged in the perpetration and commission of these

frauds. Admit that that is so, and yet that fastens no stain of guilt upon this defendant; because, tracking all through this case, there has not been a single spot or place where knowledge of that fact has been brought home to General Babcock. Will you say that he ought to have known it? If you feel like saying that, let me demonstrate to you, right here and now, how unjust and unfair a burden you are placing upon him. Why should he have known it? Did Douglass know it? No. Douglass was at the very head of that department; in his hands were all the evidences, if any evidences existed, of guilt against Joyce and Macdonald. He tells you that, up to that time, no official charges of which he had any information had ever been presented against them. All the rumors of their frauds that could have been gathered from any quarter would have centered in the office of the Commissioner of Internal Revenue. Yet Douglass knew nothing against them. How much more did the Chief Clerk of that department know? Mr. Rogers tells you that through his hands every charge, every hint, every suspicion passed, and Rogers tells you that at that time he did not even suspect that Joyce and Macdonald were engaged in the perpetration of frauds against the revenue. On the other hand, he regarded them as honorable, upright, active officials. More than all that; the Chief Clerk in this very Department, who, of all others, should have known the fact, had no suspicion; and months afterwards—away down into the month of May, 1875, the very month when these seizures were made, the month when this gigantic fraud was displayed to the whole country—down to that time, not only did the Chief Clerk of the Department, a shrewd and sagacious man, know nothing against Joyce and Macdonald, but he wrote to Macdonald a friendly letter early in May asking his kindly offices to secure for a friend of his an appointment in Arkansas, and at a salary of \$1,200 a year, and telling him that such an appointment would confer a great favor upon a member of the Cabinet.

"The Secretary of the Treasury had no suspicions; the President had no suspicions; the Commissioner of Internal Revenue had no suspicions; the Chief Clerk of the Department had no suspicions. What more? Did the world know their guilt as it knows it now? Nowhere in this country are the diligent seekers after news more diligent than here; newspapers, enterprising to the last degree, vigilant, quick, active, eager, and yet they did not publish to the world the guilt of Joyce and Macdonald. Here, in their own home, so far as we know, they were unsuspected. Their immediate friends looked upon them as honest and upright men. The officials with whom they were brought into contact looked upon them as efficient and upright men. And yet, gentlemen of the jury, when all the world else regarded them as competent and honest officials, you are asked to say that General Babcock should have known what the testimony in this case has demonstrated to you nobody else did know.

"Had General Babcock occupied the position which the Commissioner of Internal Revenue occupied there might have been some force in the suggestion. Had he occupied the position that Rogers held, there might have been some force in the suggestion. Bear in mind, too, because the evidence of silence and the negative evidence in this case are tremendously telling in



their effect, there is not a single syllable of proof in all this vast record showing, or tending even to show, that General Babcock ever did visit the Commissioner of Internal Revenue except upon two occasions—that he ever visited Mr. Rogers in his office—that he ever had a single word to say with Mr. Rogers on the subject of revenue affairs in the City of St. Louis. Twice during all this period of time in the office of the Commissioner of Internal Revenue—never shown to have exchanged a word with the Secretary of the Treasury: never shown to have exchanged a word, and the fact is that he never did exchange a word with Avery, the Chief Clerk in that Department; never shown to have exchanged a word with the Chief Clerk in the Department of Internal Revenue, and yet this defendant, you are required by a clamor—the parallel of which has never before been witnessed in this country, to hold as having guilty knowledge of facts which the parties who should have possessed all the information knew nothing about.”

He then referred to Hoag's letters to Bingham, a confessed member of the ring. These letters showed that Hoag had been giving information to Bingham, who had, in turn, transmitted it to all the illicit distillers in St. Louis, and Mr. Storrs argued therefrom that the prosecution had been wasting its time in endeavoring to show that General Babcock's services were even necessary to the ring, when they had already bought and paid for the services of a man who had such vastly better means of procuring and giving information, as Hoag had. The letters, themselves, created a profound sensation as they were read in connection with each other and by the light of the emphasis and concurrent comment the defendant's counsel gave to them. After the Court adjourned for recess, these letters were the general topic of talk on the street. It is true that eight of them had been read before in evidence, but they had never before been given as one perfect picture of their unprincipled author's part in the conspiracy.

The expedition of Brooks and Hoag to the West had been countermanded, and Macdonald, knowing this, sent the jubilant despatch to Joyce in St. Louis:

“ ‘Dead dog. Goose hangs altitudilum. The sun shines.’ And yet, my good friend Colonel Broadhead says that the dog, after all, was not dead. He says that that was merely a hint or suggestion from Macdonald to Joyce that the dog would ultimately die. But no such language as that did Macdonald employ. ‘Dead dog! the goose hangs altitudilum; the sun shines,’ which, being translated into our vernacular, means: ‘I have exploded this whole business; Brooks and Hoag will not go; that raid is at an end.’ That is the English of it—the other is Macdonaldese.

“Now, here is another curious fact—a very extraordinary fact. Bear in mind that it is insisted that General Babcock must, all this time, march arm-



in-arm along with Macdonald and Joyce as a guilty conspirator with them. Why how shamefully they neglected him. How badly they treated him. They tell you, and would have you and the country believe that the place which General Babcock was to fill was to prevent these contemplated raids and to give them information. But Macdonald goes there and himself breaks up the whole scheme. He personally encounters the great plunderer and leaguer of the combination, and telegraphs in exulting joy the success of his trip; and he never favors General Babcock with a single syllable of information as to the success of his enterprise. Why, was a conspirator ever treated in that fashion before? They would have you believe that, of all men in the world, Babcock was the most interested to know how this expedition was to terminate—whether it was really to be made. But it was abandoned long before he saw a single human being with reference to it, and his co-conspirator never opened his head to him on the subject.

“There is no power of declamation or denunciation, gentlemen of the jury, that can get around that posture of affairs. Rogers tells you that, before the letter was shown to him, the trip had been abandoned; Douglass tells you that before he saw General Babcock the trip had been abandoned. The first that General Babcock ever knew that such a trip had been contemplated was when this letter was shown him by Macdonald, and then the trip had been abandoned; and yet, reversing the order of all things natural, a jury of twelve at least ordinarily intelligent men are asked to say upon their oaths that General Babcock prevented the investigation here in St. Louis, which investigation had been absolutely abandoned before he knew that it had been contemplated. Can human perversity, gentlemen of the jury, go further than that? ‘I succeeded; they will not go.’ How it must have amused the hearts of Macdonald and Joyce when they read that dispatch. ‘Why,’ they say, ‘you good-natured young man up there in Washington, you do not know what you are talking about. You giving us information! Why, we discount you; this very information which you are communicating to us we have had a week; we knew all about it, but I did not intend you should know anything about it at all, and left the City of Washington without communicating it to you.’ That, as you know, is the great corner-stone of this prosecution. I do not feel, when I deal with evidence so absolutely worthless as that, like rising up and denouncing the iniquity of this prosecution. I feel merely a sensation of thankfulness to the great Being who rules over us all, that passing the fiery furnace of those afflictions, although the mouth of my client is sealed, and his tongue is dumb, yet there have sprung up to our assistance, as if from the very earth itself, the witnesses by which we are vindicated. I feel in the presence of interpositions so conspicuously providential as those which have been disclosed to you to-day, gentlemen, when I look through the awful danger that has environed him, I feel more like bowing in prayerful thankfulness before the good God who has saved him, than from uttering one single syllable of denunciation. And in the presence of such an intervention as this, of such a great and blessed deliverance as this, it does seem to me that the tongue of scandal should be hushed and the voice of detraction should be silent.”

Mr. Storrs next addressed himself to the history of the order transferring the Supervisors, showing that General Babcock had nothing to do with it.

"But," he said, "the gentlemen are not content; they are not satisfied with the revocation of the order. They think it was unwise and unpatriotic to revoke it. Let me stop right here to ask you this question: Suppose they were? What are you here for? To revise the action of the President and of the Cabinet? By no means. You are not sitting in judgment upon matters of policy. You are not, as jurors, to determine questions of that kind. You are to try, not the fact whether General Babcock assisted in securing the suspension of that order, nor whether he did wisely or not in procuring its suspension, but you are to inquire whether for any guilty purpose, whether as a member of this conspiracy, and with the object of furthering and aiding it, he did intervene and make the representations to Commissioner Douglass which have been detailed here before you. Colonel Broadhead says that it was an unwise and improper thing to do. What now, finally, after all the demonstrations that have been made upon that subject, after the public mind has been filled with poison concerning it for months and months, what turns out to be the actual truth of the situation? Months before that time, gentlemen, the President, for the purpose not of preventing frauds, but for the purpose of aiding in detecting frauds that had already been committed, devised the scheme of changing the Supervisors—not one Supervisor, but all the Supervisors throughout the entire country. He has told you in his forcible and clear language that the idea originated with him, not because he suspected the officials, but because they operated in ruts, that this man had his peculiar way of doing business, of which the distillers would get the hang, and for the purpose of subjecting them to new methods and new modes it occurred to him that the transferring of the Supervisors from one district to another would be wise. Before Mr. Bristow was appointed Secretary of the Treasury this whole subject had been discussed between the President and Commissioner Douglass. Whatever, gentlemen of the jury, therefore of merit there is to be attached to the original order belongs to the President. Bristow called upon the President, directed his attention to the fact that frauds were being perpetrated here and elsewhere, the President suggests to him that idea, and acting upon it the Secretary of the Treasury, under the direction of the President, issues the order that the transfer be made."

Mr. Tutton had represented that on three hours' notice the distillers could get rid of all evidence of their frauds, but this order was giving them three weeks, and would defeat its own object.

"Now, gentlemen of the jury, has not the time arrived when a little justice may be done? For the first time throughout this trial, facts have been told. You, gentlemen of the jury, are the first in all this country who have known the exact truth, and there it is laid down clearly, plainly, unmisun-

derstandably before you. Does it not give to each one of you a profound feeling of satisfaction that the whole truth of the matter removes every stain or suspicion of guilt? Does it not make you feel prouder of yourselves and of the great country in which you live, when you find that the highest official has the nerve to resist all the pressure which politicians may bring to bear upon him; but in the presence of the arguments addressed to him by a plain and practical man, which he can not answer, he will surrender his own long-settled convictions, and bow to the irresistible logic which Tutton suggested. He tells you in his own clear, incisive, sharp-cut language: 'I directed the suspension of this order because I considered the good of the public service demanded it.' Babcock had never said a word to him on the subject. He had never opened his head to him with reference to this order. But when Tutton comes—the oldest official in the Revenue Service of the United States, a man of the strictest and most incorruptible integrity, of large and comprehensive knowledge of the whole subject—and lays the matter plainly before the President, the President acts."

Quoting again from the President's deposition, he continued:

"Now, that is very plain reading. There are no flowers of speech about it. I commend it, however, to your earnest and honest judgment, whether it is not as absolute and perfect a vindication of the policy which the President pursued as any rational human being could ask for. And yet he is arraigned here, he has been arraigned by the counsel for the course which he there pursued. I let the President speak for himself. There is no vigor of denunciation enough, however largely they may be furnished of it on the part of the counsel for the prosecution, to convince one single right-minded man throughout this whole country that the action thus taken was not dictated by the highest and purest of motives. And yet watch the course that the prosecution from the beginning has been pursuing. Week after week, and month after month, such an unbroken flood of calumny, and detraction and abuse, has been poured in upon the President, has been poured in upon this defendant, because it was said that he interfered with the Secretary of the Treasury and prevented him from carrying out a line of policy which he had inaugurated for the purpose of detecting frauds in the city of St. Louis. Finally, however, we get to the fact; the course which the President pursued was not against the will of the Secretary of the Treasury; the revocation or suspension of the order was not averse to any scheme which the Secretary of the Treasury entertained; but, gentlemen of the jury, as the evidence in this case shows, the President did precisely what the Secretary of the Treasury was anxious he should do, the President was convinced precisely as the Secretary of the Treasury was convinced. The same arguments which reached the President and convinced him reached the Secretary of the Treasury and convinced him. Before the President had said 'Mr. Tutton, I agree with you,' the Secretary of the Treasury had said 'Mr. Tutton, I agree with you.' Is it not astonishing, in the face of these facts, that through these long and dreadful months of prosecution and persecution through which we have been compelled to pass,

no man has had the courage to stand up and say in the face of the country precisely what the truth of this matter is? Isn't it melancholy to reflect that down to the time when Mr. Tutton took the stand the real, God's truth of the business had never been told? And yet, in the face of this very record, the truth of which no man can gainsay or deny, counsel stand here and tell you that the President interfered with the Secretary to thwart and upset the design which he had formed for the purpose of punishing the Whisky Ring in the city of St. Louis."

"There we stand, gentlemen, in the last act of this drama, so far as its official aspects are concerned. It makes no earthly difference with us what our political opinions may be. I believe in parties, in party organization, and, to a certain extent, in party drill. But the eternal sense of eternal justice is deeper than all the parties that ever existed on earth. I care not what your political predilections may be, you can not look at that record a single moment, and say that against the parties who were instrumental in procuring the revocation of that order, there is spot or stain or blemish of any kind. Thus triumphantly vindicated, the Executive head of this great Nation, the President over your country and over mine, stands completely exonerated. He has remained silent down to the very last moment of time, and has only spoken when the law, whose majesty he respects, required that he should speak. He becomes a witness, because it was his duty. Thus he spoke. We could have brought him here, secured here his personal attendance, but the exigencies of public affairs and the necessity for his presence at the capital, induced us to waive that, if possible, and produce to you his deposition. Taken under all the forms of law, by consent of the counsel for the prosecution, before the Chief Justice of the United States, this plain man has told his plain story, and in his own plain way. There are no more flowers of rhetoric in it than there are in Christ's Sermon on the Mount. It speaks straight to the heart and judgment of every honest man in these United States. He intended by it no rebuke, but what a rebuke it carries! He does not stand there, before this whole country, as a witness, because he volunteered to be such, but it was done because he did know the facts, and he knew them all. Now, Tutton says, at the very close of his testimony, speaking of his interview with Secretary Bristow: 'Yes, sir; he only raised one objection, and then he fully acquiesced and agreed with me that that was the better plan'—the plan which Tutton suggested. One short hour before this interview was had with the President, the Secretary of the Treasury fully acquiesced that this was the better plan."

How useless Babcock was to the ring was shown by Macdonald's telegram to Commissioner Douglass after the order had been promulgated.

"Suppose there had been a dispatch of that character sent to Babcock. How full of declamation would this court-room have been. How splendid, how vigorous would have been the vituperation which the counsel would have employed. Ah, gentlemen of the jury, if a dispatch of that character



would have been evidence of guilt if sent to Babcock, what do you say of it as applied to Douglass? and yet no one questions the integrity of Douglass; no one has a right to question it. Facts do not change. Macdonald in the same dispatch says, 'I don't like the order.' He says that to whom? Babcock? No, no. Babcock is the most useless man in Washington, so far as the purpose of Macdonald is concerned. He says it straight to headquarters. 'I don't like the order.' Immediately upon its issuance, and after the receipt of that dispatch, Douglass sent him the conciliatory telegram, in which he says the order is general, and will be merely temporary in its character. And Joyce, with that windy effusiveness so characteristic of Joyce, sits himself down in a quasi, humbug, military fashion, and says: 'We have official information that the enemy weakens—push things.' Push what things? There is nothing left to push. Help to set aside the order? It had been set aside. Argue with the President? He had never said a word to him on the subject. Revoke the order of transfer? It had been revoked. And because John A. Joyce was a natural-born poet, because he would gush even at the expense of a dollar for ten words, because he sent this utterly stupid and meaningless dispatch to Babcock—there being no law that we are aware of to prevent him from making a fool of himself,—because he sent that windy, declamatory and useless dispatch to General Babcock, to which no earthly attention was paid, therefore General Babcock is guilty of conspiring with Joyce to defraud the Government of the United States of the Revenue tax of seventy cents per gallon on proof spirits, and for the purpose of carrying on this conspiracy, and aiding in the removal of high wines without the payment of the Revenue tax thereon. What becomes of logic in the presence of such a state of facts as that? It is buried.

Mr. Storrs closed with a crushing onslaught upon Everest and his testimony. He reviewed the testimony of Everest with the closest analytical scrutiny. He compared the evidence of Everest, a confessed conspirator, with that of Magill, a man whose character was unimpeached, and for whose veracity there were hundreds of old citizens ready to vouch. Then, speaking of the admitted vagueness of Everest's testimony, so far as it concerned the defendant, he drew an appalling picture of the consequences that would hang over every citizen were such evidence to be permitted to cast a man of heretofore high and honorable career down in the dust of criminal degradation.

"But the case limped and staggered along under various stages of decrepitude and decay, and, finally, the great sensation of the case arrived in the person of Mr. Abijah M. Everest. Men rubbed their eyes and said: 'Where are we? Have human motives all been changed? We have waited now six days. If General Babcock was really a party to this conspiracy, why was he a party? What share did he have of the plunder? What did he make by it? What earthly conceivable motive spurred him



to take in his hands and throw away, as if to throw it to the dogs, as splendid a reputation as a young man ever achieved?' Joyce was here in St. Louis—I would not use unnecessarily harsh words about him, but the character of the man has been portrayed before you; a man infinite in his resources of cheek and assurance, absolutely stupendous and almost sublime in the magnificence of its proportions. He was the great correspondent. He would write letters to this man, that man and the other man, and his letters always required an answer. And, floating around grandly about St. Louis, he would approach these distillers from whom he received corrupt moneys—and every distiller that happens to be present in this court-room will recognize the truth of the picture I draw—and, holding out a letter, he would say: 'There, you see the influence I have at the Executive Mansion; you understand my rising relations with the White House.' Lying to exalt his own reputation, constantly magnifying his own consequence, and assuring all these men of the importance of the position he occupied; endeavoring by his own unassisted words to impress upon them the idea that he had, at the White House somewhere, some powerful, influential backing, which enabled him to guarantee those distillers absolute immunity from detection and punishment for the frauds in which they were engaged. This business Joyce pursued day after day, and month after month. Unceasing in his devotion to the god of lying, this trade he followed had neither 'variableness nor shadow of turning.' But by and by the faith and credulity of the distillers weakened. His calls for money were continuous and exacting. They substantially say to him, 'Mr. Joyce, we must have some better evidence than your mere word that you are strong in Washington' and thereupon, in order to show them his strength in Washington, he takes the dispatch of the 13th of December and exhibits it to Bevis & Fraser. They had become alarmed. Some evidence must be furnished the distillers that he has this influence at Washington.

"Letters have been exhausted, telegrams have been used and failed, and, therefore, he takes Abijah M. Everest, and goes through one of the most stupendous farces ever enacted in the face of high heaven. He places Everest in his room and takes two \$500 bills and two open envelopes, conspicuously displayed on the desk, shuffles them about as a prestidigitator, turning his back upon Everest, puts the money in his hand into one, juggles with the other, and goes through the wretched farce of sending Everest down to the street letter-box to deposit those letters, watching him from his window as he goes. Why was it? Simply for the purpose, gentlemen of the jury, of enabling Everest to say to these distillers: 'Well, Joyce has got some influence at Washington; Joyce to-day sent \$500 to Avery and \$500 to Babcock.' Bevis is a little incredulous, and Fraser, who is a good deal more incredulous, says: 'Now, Mr. Everest, that is all very nice, but how do you know?' 'How do I know? Why because Joyce sent me with the letters.' And for that purpose, that execrable farce was enacted. Those letters might as well have been deposited on the curbstone as in the place they were put. They were put in a letter-box,

where no sensible man, no man with sufficient intelligence to run an ordinary ink-stand would have placed them, and that was the only occasion that Joyce ever did anything of the kind. And he watches his poor, weak, shivering tool as he carries these letters and deposits them in the street letter-box, watches until he sees him out of the way, selects his time (for he knows when the carrier goes past there on his accustomed rounds), stops him, describes the letters, takes them from his hand, and the whole business is accomplished. He refuses to give a receipt; says it is 'Hunky Dory,' and goes off absolutely contented. Now, I have little to say about the testimony of Everest. But there are some very extraordinary things about it. He was put upon the stand after he had been a vagabond and a self-made outlaw from his own country. With this great load of criminality resting upon him, Everest had fled his home, and was a wandering felon and a fugitive through all the cities of continental Europe; and through some mysterious way or other, for the ways of this prosecution up to this time have been 'inscrutable and past finding out,' there did Mr. McFall, another conspirator, find Everest, and brought back home the acquisition. You heard the story which he told, and the reason of his return. The press of the country filled with the astonishing developments he was to make preceding him in his triumphal march into the City of St. Louis, he comes here a self-convicted outlaw, and is entertained like a prince. Gentlemen, lying pays. A man whom the Government would not trust with the inspection of a gallon of distilled spirits, in which the Government had an interest of only seventy cents, is brought all the way from Rome; splendid avenues are opened before him, old friends attend him, luxurious quarters are furnished him, his incomings and his outgoings are watched and the great American eagle spreads its protecting wings over this self-convicted outlaw, and the man not fit to be trusted with seventy cents is authorized by the Government to stand up there, and with the perspiration standing out upon his forehead to swear away the rights of one of the best men on earth. Moreover, he tells you, that when he came here he saw Mr. Dyer, and they had a careful and a prayerful interview together. He said to Mr. Dyer, 'Now, Mr. Dyer, I didn't see this money put into both envelopes, and I can't swear to it. It would be well if I could remember it; but I can't remember anything of the kind. I will go to the very farthest verge. I will say there has been no arrangement with me. I have not been promised immunity; I will say these twelve indictments are liable to fall upon me; I will stand up to the rack like a man; but, Mr. Dyer, excuse me, I can't say I saw the money put in both envelopes.' Again the whole force, the stars and the stock company, Colonel Dyer, Colonel Broadhead, Peddrick and the rest of them, surround this man and brace him up and crowd him up, and again he says to him: 'Mr. Dyer, I can't say I saw that money put in the envelope addressed to General Babcock,' and yet that poor, weak man, for whom I have no words of denunciation, but for whom I entertain the profoundest feeling of pity, that poor, self-convicted felon, with his wife down here shivering and trembling for him, is placed on the stand, and there, with

the gate of the Penitentiary opened broadly before him, they say to him, 'If you will escape years and years of a felon's life, swear to what we want you to testify, and damn your very soul by saying you saw the money put into the envelope;' and he did it. Gentlemen, it is simply awful. It is shocking to the very last degree. The prayer which the Father of us all taught his children first to utter is, 'Lead us not into temptation, but deliver us from evil.' And here a powerful coercion, absolutely oppressive and gigantic in its character, as if a mountain of pressure had been brought to bear upon that poor, frail man, and, shaken by it, he swore, with the knowledge that his poor, young, trembling, tearful wife was awaiting his return home. He swore, with the terrible knowledge that this iron grip of the law was ready to clasp him. Time after time, and again and again, he had said he did not know, he could not say, that a dollar of money had ever been paid to Babcock. Yet, by shaking the Penitentiary in his face, he swore it. For the emergencies in this case seemed so great that the soul of the man was absolutely damned in the presence of this audience and the whole world, in order that an innocent man might be convicted. We took him and subjected him to that severest of tests, a cross-examination, which you remember, gentlemen of the jury, was kind to the very last degree, and the poor soul weakened and failed of its purpose, and the majestic form of eternal truth rolled up before the day's vision of poor Everest. And he saw the magnitude of the execrable act that he had committed and the enormity of the danger he was about to inflict upon an innocent man, and the soul revolted at the thought, and he says, 'So help me God I'll not do it,' and like a man, finally he told the story. Wasn't that a true deliverance? What a thrill would have rung through the whole country had he possessed sufficient nerve to face the wrath of an outraged God, and said that there is proof certain that General Babcock is a member of the conspiracy because he has received guilty money; but the same great God that guided our fathers has watched over this young man, and with his very finger he touched the lips of Everest, as he stood on the stand, and enabled him to speak the truth. How, then, the fabric of this prosecution fell. How honest men raised themselves up and said, thank God our faith in our common nature is again restored. He left the stand, and the knell of the prosecution had been sounded, and its doom had been fixed; buried deeper than ever plummet sank; covered over with a mighty weight which truth had placed there. Let it rot in its dishonorable grave."

But it was in the peroration that the speaker showed his grandest powers. "As a mere literary effort," said the *Globe-Democrat*, "it cannot fail of having its effect on those who read. To those who heard, it seemed a perfect revelation of the awful fate that may, at any time, through heedless contact with apparently honorable men, fall on any one, even the most reputable. The

picture and its suggestions moved everybody in Court, and even the hitherto impassible jury—even the grave Court itself—showed evident signs that the genius of the advocate had stirred them to the depths of their hearts.”

“And so, gentlemen, I have reached, I believe, the conclusion of all the facts I have desired to discuss. I have stated nothing about the character and reputation of my client. It was splendid, and he ought to be proud of it, and he is proud of it, as given by those men who have known him for years past. Men whom we all delight to honor have come here and given him such a reputation as, I am sure, every man on this jury prays that his son may in the future have. Spotless, without stain or blemish; gentlemen of the jury, we are proud of it. We give it to you, trusting and feeling that it will be safe in your hands, and that you will preserve it sacredly until this trial is altogether closed. I have no consideration of mercy to appeal to, but this has been a long trial, a dreadful trial, and never, since it has been my pleasure to appear in a court of justice, have I felt so weighed down in my heart of hearts with so tremendous a responsibility as that which rests upon me to-day. It was but a few weeks ago that I left Chicago, where my client lives, that I saw his family grouped together, the children grouped in prayer around the mother's knee. I saw the patient, calm courage of the poor wife, and to-day, it seems to me, that the veil of distance that spreads between us is lifted, and I see her again in prayer, that her husband may return a vindicated man. I see the children of that man, as they gather again around the mother's knee, sending forth the same sweet prayer, that their father may be saved. Let us take our minds back over the long journey we have passed, and travel with the defendant up to the time of his final acquittal, when the heart of the wife shall be gladdened, the hearts of the children lifted up, when by a verdict of his fellow-citizens he shall go back to his home, and shall walk the streets of the city he has done so much to beautify, a thoroughly vindicated man.”

Judge Porter occupied the whole of the following day in argument on behalf of the defendant. His speech, during the delivery of which he had to make frequent and continual reference to his notes, reads much better than it sounded. The first marked sensation he created was when he charged the counsel for the prosecution, Colonels Broadhead and Dyer, with having pursued the defendant with a vindictiveness dictated by hostility to the President, of whom he was Private Secretary. The motives he attributed to these gentlemen for this course were that the President's depositions stood as a bar in the way of their obtaining another professional victory. “The speaker's denunciatory eloquence,” said the same paper, “was again and again directed



against the whole fraternity of the press, in such powerful language that every newspaper reporter present felt almost guilty of a large degree of criminality, although, be it said, it is only through the agency of these very men that Judge Porter can speak to the forty millions of American citizens to whom he constantly avowed he was speaking."

He characterized the prosecution as in reality a covert attack upon the President.

"In view of the relations of General Babcock to President Grant the prosecution seemed to be impressed with the utter improbability of the truth of such an accusation without the privity of the President. Hence, like some of the more violent of the newspapers, though they did not venture to assert, they did not hesitate to insinuate by innuendo that the President himself was privy to the conspiracy. These covert insinuations should be brought out from their hiding-places; let us meet them face to face. President Grant either was or was not privy to the St. Louis conspiracy. If he was, it should be proved. Can anything be more absurdly grotesque than such an imputation? The President of the United States conspiring against his own administration. Violating his official oath and confederating with a gang of thieves to defeat the collection of the public revenue! What is the temptation?

"Why, they would have us believe that it was to enable the distillers and corrupt officers of St. Louis to steal a million of the public money. Who for? For the President? No. Half of it for themselves, a quarter of the residue for the gaugers and store-keepers, and one-fifth of the remaining residue to Fitzroy, to Everest, to Macdonald and to Joyce; and all this in the hope, the faint and bare hope, that these bribed officers might have grace and conscience enough once in three years to send \$500 to his Private Secretary, which could be divided between President Grant and his Secretary, and in the earnest confidence that these men could secure to him that \$250 and not tell of it. They would have you believe, if insinuation would do it, that with knowledge of his own and General Babcock's guilt, he directed the prosecution of his St. Louis confederates in crime, with the peremptory injunction to the department of the Government charged with the prosecution, to let no guilty man escape; they would have you believe that the President, from whom Colonel Dyer received the appointment he has so honorably graced, by whose direction Colonel Broadhead stands here to-day as the representative of the Government—that General Grant was himself privy to the conspiracy because he swears to facts within his knowledge, to protect an innocent man and a member of his own household against an infamous accusation. Who is it that is thus maligned? What are his antecedents? His life is an open book. The name of General Grant has been the subject of much criticism and of much calumny, but it stands even to-day unstained with the imputation of personal dishonor. He has made his name historic. He stands now in the judgment of Europe the foremost



representative of American character; he will stand in all aftertime, in the judgment of mankind, among the foremost men of the nineteenth century. What honest man, friend or enemy, believes or dares to countenance the impeachment of his integrity on the charge of personal meanness, baseness, crime and dishonor? If General Lee was to-day among the living, who more promptly than he would brand the infamous calumny with burning and contemptuous scorn? What private in the Union army—what manly and chivalrous son of the South, who fought as long as the State flag fluttered—what one of them all but would resent such an imputation, in the one case upon an honored leader, in the other upon an honored enemy? We are a free people; we are bold and fearless partisans; we deal hard blows in fair fight, but there is a manhood in the American people which abhors mean calumnies and scorns alike the coward and the bravo who strike below the belt.

I do not reproach the government counsel with intentional wrong, but I submit to them whether it is a professional device which, even in their zeal to blast the good name of this defendant, is worthy of their position and reputation. They were driven to this expedient by the necessities of a scuttled and sinking prosecution. Gentlemen, if General Grant were not a party to this conspiracy, if he were not privy to its existence, you see, as the prosecution see, how utterly improbable it is that General Babcock was one of their confederates. No one will charge him with infidelity to his Chief. What would be the measure of General Babcock's infamy if, in his relations to the President, he had been capable of betraying his trust? What would have been the depth of his degradation if, after being educated at the expense of his country at West Point, after being honored in peace and in war in the public service, and still holding his commission in the Army, he had been capable of selling the Government to thieves and dividing with them the price of his own degradation in crime? Gentlemen, in the light of the evidence, the Prosecuting Attorney can not believe it. No honest man, after reading this testimony, can believe it."

In referring to the value of character in relation to evidence of guilt, Judge Porter rose to real grandeur of eloquence. He demanded, in the most impressive manner, to know whether a life-time spent without reproach, and in the most honorable service of the country, was not to be considered as worth something in itself as a rebuttal of the evidence of convicted or confessed thieves, and appealed to the common experience of mankind to decide what would be the possible value of a career of integrity to any man, if his honor could be blasted and his name polluted by the interested testimony of known perjurers and conspirators. This was, probably, the most effective part of the whole argument, and was listened to with the closest attention by the jury.

"An adverse verdict, I confess, might for the moment gratify the personal enemies of the President, but these hostilities are but temporary.

Such a verdict, after the excitement of the hour has passed away, would be condemned by your own sense of justice, and by the enlightened judgment of mankind. It would gratify no personal enemy of General Babcock, for he has not one this day on the face of the earth, not even my friend, the Prosecuting Attorney. It is upon others entirely, and not upon him, that the blow is given. A gallant and manly soldier during the war; a Northern man, he was true to his State, and fought for the Northern cause. When the war closed he was, as he has been from that hour to this, one of those whose constant voice, whose utmost influence, have been against bitterness and strife, and in favor of conciliation, union and harmony. Among the warmest friends to-day who rally around him are gallant and distinguished soldiers in the Southern army, from whom, during this trial, we receive assurances of their unswerving confidence in his integrity and their earnest and hearty sympathy. What they assure us we believe, and that is that a Missouri jury will never permit an innocent man to be wronged. You would not do it if he were your enemy; much less would you do it to one whose character is unstained by dishonor, and who never consciously betrayed an earthly trust or wronged a human being. You see by the deposition of the President why he, who knows him better than any living man, has the most clear and absolute conviction of his innocence. In the darkest days and nights of the civil war they slept in the same tent, shared together the same rations with the private in the ranks, rode side by side by night and by day, on the line of the rifle-pits and in the presence of death; rode side by side in the hour of battle, in front of the cannonade. When, after the elevation of General Grant to the Presidency, and of all the men he knew and trusted among these 40,000,000 of Americans, he—no blind judge of men, not inexperienced in affairs—selected that young man as his faithful, trusted and confidential Secretary, and to this hour holds him to his heart as a man he has proved in peace and in peril, under all circumstances, and in whose innocence he declares, in the presence of this tribunal, in the presence of the jury, and in the presence of that God where there is no distinction between the humblest persons of mankind."

The scope of the argument, however, was mainly a general review of that which his predecessor, Mr. Storrs, had analyzed in detail. The object of the speaker was, evidently, to give a rounded picture of the whole course of the trial and the evidence and arguments. He sought to show up the motives of the prosecution, and to convince his hearers, mainly by reference to the general principles that govern human action, rather than by careful analysis of the several points as they have successively appeared in the case.

His characterization of Joyce as "the Mephistopheles of the gang," was a scathing word-picture, well worth recalling were

there room for it in this mere outline of the case. He showed how Joyce had abused General Babcock's confidence and misused his name all along, and made a strong point against the Government by reminding the jury that, although they had proved that information from Washington came to the ring through Avery, they had never attempted to show the slightest collusion between Babcock and Avery. The word "Sylph," he said, had been ignorantly applied by Joyce to a woman weighing three hundred pounds, and Babcock, who had been amused by the blunder, in mere badinage had adopted it as the signature to one of his telegrams to Joyce. And that was all the significance there was to the mysterious word which had puzzled prosecution and press so long. He closed with an earnest appeal to the jury to do justice to the defendant.

"Gentlemen, it is a grave matter to this defendant that he has been compelled to stand here to be gazed at as an accused criminal. You know how you would feel if, among strangers, you were subject to such an ordeal for two long weeks, day after day, as the alleged confederate of conspirators and thieves. But, gentlemen, we feel that, notwithstanding all the great burdens of his accusation, notwithstanding the enormous expense which it entails upon us, notwithstanding that we claim to have been unjustly accused, when the defendant leaves this Court we shall be happy to find that though he leaves it poor in worldly goods, he leaves it rich in the consciousness of his rectitude and in the indorsement which you will give him in vindication of his honor and his innocence. It may still happen, gentlemen, that, until the grand Assize at which we shall all be arraigned as defendants, you will never look upon the pallid, anxious face of the noble and devoted wife, who, with trembling heart, is looking to you for the deliverance of her wronged husband. It may happen that the little circle of children who look to you for the return of their father untouched by the flame, may never have an opportunity of expressing to you their gratitude; but you know, strangers as they are to you, your names will be written indelibly on their young hearts, and I may venture to say that, when you return to your own homes, where bright eyes and beaming smiles await you, the thought that you have vindicated an innocent man will rejoice those young hearts, who will feel that their father was instrumental in protecting a stranger from wrong and in sending joy into his household when you were asked to drown it with ignominy and shame. Your verdict of vindication will secure our common country from an enduring imputation of base dishonor. Your verdict is waited for by every citizen of the American Union, and by every country in Europe, as that of an American jury on the honor of the American people."

General Dyer occupied an entire day in his closing argument for

the prosecution, and on Thursday, the 24th of February, Judge Dillon delivered a carefully prepared charge to the jury. The reading of the charge was listened to with eager attention by all present,—counsel, auditors, and jury;—and was made particularly impressive by the grave, clear elocution of the Judge, whose emphasis added to the force of the words themselves, and stamped their meaning most vividly on the minds of all. The evidence, both documentary and oral, was marshalled in logical sequence, and a complete history given of all the acts of the defendant and the conspirators as shown in evidence, which bore any relation to the case. “Assuming,” he said, “that you will find the existence of the conspiracy between Joyce and the distillers and others, your inquiry will be narrowed down to a single ultimate question of fact, namely, was the defendant one of the conspirators,—a fellow conspirator with Joyce and the distillers named in the indictment? The Government affirms it, and must prove it by legal and satisfactory evidence, in order to ask a verdict in its favor. No witness has been introduced who has testified that the defendant was ever informed or knew of the conspiracy, or that he ever admitted his knowledge of it, or his participation in it. No writing signed by the defendant has been produced which in direct or express terms shows such guilty knowledge and participation on his part. But the law does not require direct proof of these facts, but they may be proved by facts and circumstances which show them beyond a reasonable doubt.” The charge was throughout clear, judicial, and impartial, but the general impression it left upon all who heard it was strongly in favor of the defendant.

### III.

#### THE VERDICT.

THE JURY FIND THE DEFENDANT NOT GUILTY—AN OVATION TO GENERAL BABCOCK AND MR. STORRS—THE GENERAL SERENADED—SPEECH OF MR. STORRS—SENATOR HOWE'S OPINION OF THE CASE.

AT the close of the charge, the Court took a recess until three o'clock, and in half an hour from that time the jury were ready with their verdict. Throughout the trial, General Babcock had borne himself like a gallant gentleman, conscious of his own innocence, and waiting with patience for the law and the evidence to establish it beyond a doubt. The scene that followed upon the announcement of the verdict is thus described by the *Globe-Democrat*:—"The Court then asked the usual question, as to whether they had determined on a verdict, and was responded to by a silent bow from the entire jury, as the foreman handed up the all-important document. At this point the sensation of suspense was simply painful, and men's faces shone ghastly white all over the court-room. This feeling was intensified by a slight hesitation the Clerk made in the reading. He read: 'We, the jury, find the defendant—not guilty.'

"No sooner were these last words uttered than a scene of confusion that baffles description ensued. General Babcock's hands were seized and shaken by everybody who could get within reach of him, Judge Porter being the first in his congratulations. The crowd in the rear burst out into a hearty shout of applause, hand-clapping and all other forms of enthusiastic expression of joy were heard, and for a moment the scene rather resembled the pit of a theater than a grave and decorous court of justice. The Judges very wisely overlooked this very natural ebullition, and in a few moments the crowd recovered its self-possession.



Judge Chester H. Krum then rose and asked that the defendant be discharged, and, on that order being made, and after the order for the discharge of the jury, General Babcock and Judge Porter stepped forward and shook hands with each jurymen as they filed out, thanking each personally for the steady attention they had given to the case, and the manly manner in which each had done his duty. It is hardly possible to tell which of these two gentlemen showed the greater emotion under the circumstances. The eyes of both were wet with tears of joy, and the voices of both trembled as they endeavored to utter their gratitude. Mr. Storrs stepped across the court-room to shake his client by the hand, looking calm and passionless, but out of his eyes there shone a light of triumph as of a victor surveying the field where he has but just conquered in a great fight."

It was learned that a unanimous vote for acquittal was the result of the first informal ballot in the jury-room, and was confirmed by the formal ballot which was next taken. The news of the verdict reached the street and sped over the business part of the city with the rapidity of lightning. An immense multitude of congratulating citizens escorted General Babcock and his counsel to their hotel. Telegrams flowed in from Washington and other cities expressing the joy of sympathizing friends over his deliverance. Leading citizens of St. Louis called at the Lindell House to shake hands with the man whom a few weeks before they were all anxious to send to the penitentiary. A deputation of colored citizens called to express their thankfulness at the result; and in the evening he was serenaded, a large concourse of Missourians, in open carriages, assembling in front of the hotel to demonstrate their rejoicing. Colonel Hatch, a Confederate soldier, made a cordial speech, in the course of which he said:

"The General and I have differed in the past—we differed fundamentally—but we submitted the decision to the tribunal of war. The god of battles was the judge, and the course which General Babcock took in that war, and no less as a soldier and a citizen since, toward the people of the South has been such that we could all admire. [Applause.] I appear here to-night, in your behalf, to extend my congratulations to him. During that war, under the ægis of the white flag of peace, he endeavored to stop the mighty effusion of blood. And he knew that no people on the face of the earth would give him a more cordial welcome than the people of Missouri. Let me say to you and your friends that no greater mistake was ever made

than when the public press uttered the sentiment that there was a rebel feeling in the State of Missouri that would strike down General Babcock in the hour of his peril before this tribunal. Let me say to you that no Confederate ever struck down a man in trouble, manacled or a prisoner. [Applause.] We struck them breast to breast, face to face, but we never yet struck a fallen foe or a fallen friend. [Applause.] But let the public sentiment be what it may, there is one thing certain. Let the wild wave of public sentiment in this intense excitement say what it may, your minds always bow to the tribunal of public justice, and neither the howlings of public prejudice nor the shafts of personal malice can ever leave a stain upon the high character of the Missouri Court before which you were tried. The wave of public sentiment may battle against that in voice, but the Court will stand the test, whatever it be.

And now, General Babcock [looking toward the General], these friends have come, not to flatter you, not to say flattering words upon this occasion, but to give you the cordial hand of friendship, and give you their hearty and sincere congratulations for your acquittal before a Missouri jury."

The band played "Dixie," and then General Babcock, his voice broken by emotion, acknowledged the honors paid him, but delegated to Mr. Storrs the task of making a fitting reply.

Mr. Storrs said he had never entertained the slightest doubt that the defendant would receive from a Missouri jury, in this, the great metropolis of the Southwest, anything but a fair and impartial trial. [Cries of "good," and applause.] And the gentlemen of the press, who surrounded him, would do him the justice to say that from the first moment of his arrival here, he never for a moment entertained any apprehension that from this great, broad, noble hearted people, he would receive anything but an ample vindication, anything but a triumphant acquittal. [Applause.] The result had justified their anticipations, and they felt now nothing but a sense of prayerful thankfulness at the verdict which had been rendered to-day. They had had demonstrated to them the sense of eternal justice as limited to no party and to no class of men—that we are all one people and one nationality. [Applause.]

Judge Krum added a few words, and so ended one of the most remarkable scenes, appropriately closing one of the most notable trials, that have ever been held in the history of the United States.

Two years after these events, after General Grant had returned to private life, and the ambitions which had prompted this pros-

ecution of his Private Secretary were dead and buried beyond hope of resurrection, a pamphleteer of the Democratic party, George W. Julian of Indiana, wrote an article in the March number of the *North American Review* for 1878, attacking Grant's administration, and particularly singling out General Babcock as an example of official corruption. To this article Mr. Storrs had intended to write a reply, and in a letter to a New York friend on the subject he said,—“All that portion of the article which relates to the Babcock case I know to be false, and presume the balance is.” It does not appear that Mr. Storrs ever carried out his intention, which perhaps was owing to the fact that in the June number of the same magazine Senator Howe of Wisconsin took up Julian's points and effectually demolished them. In this article Mr. Howe said:

“In the annals of criminal jurisprudence, there is perhaps not another case where an individual was subjected to so terrible an ordeal as was Orville E. Babcock at St. Louis. There is no probability that he would ever have been accused of crime if he had not held confidential relations with President Grant. But the brutal appetite for smirching the President could not be resisted. The lure was too dazzling. He was accused. He was dragged to a distant and a strange city for trial. That there might be no possible lack of zeal in the prosecution, special counsel was employed for the purpose. The counsel selected stood in the front rank of his profession. He stood high in the confidence and regard of the Democratic party. He was inspired by the assurance of large fees, and by the suggestion of the highest political honors. Never did an advocate appear at the bar under so many spurs to effort. We do not need to suggest that all these incentives impelled General Broadhead to go beyond his duty. We do mean to say that they were ample securities, if any were needed, against his falling short of his duty.

“One great party, and part of the other, clamored for conviction until candid men sickened at the spectacle. It was not to punish Babcock, it was to disgrace Grant. After all, Babcock was acquitted; and after all, Julian reiterates the charge of his guilt, and ascribes his acquittal to Grant's friendship,—the very circumstance which provoked his prosecution.”

## CHAPTER XXIII.

### THE CHICAGO WHISKY RING.

HISTORY OF THE CHICAGO SEIZURES—THE "FIRST BATCH" INFORM ON THE "SECOND BATCH," AND ARE GRANTED ABSOLUTE IMMUNITY—JACOB REHM, THE ORGANIZER OF THE CHICAGO RING, BECOMES THE LEADING INFORMER—INDICTMENT OF THE DISTRICT ATTORNEY, AND OTHER GOVERNMENT OFFICIALS, ON HIS INFORMATION—PUBLIC ASTONISHMENT—DISCREDITABLE COURSE OF THE GOVERNMENT ATTORNEYS—TRIAL OF RUSH AND PAHLMAN—MR. STORRS' ARGUMENT FOR THE DEFENSE—CRUSHING DENUNCIATION OF THE GOVERNMENT WITNESSES—THE GOVERNMENT COUNSEL ALSO COME IN FOR A FLAYING—ALTERCATION BETWEEN MR. STORRS AND THE COURT—CHICAGO "SEWER POLITICIANS"—TRIAL OF SUPERVISOR MUNN—THE JURY REFUSE TO BELIEVE REHM, AND MUNN IS ACQUITTED—DISMISSAL OF THE OTHER INDICTMENTS—LETTER OF MR. STORRS TO PRESIDENT GRANT—COMMENTS OF THE LOCAL PRESS—EFFORTS TO IMPLICATE SENATOR LOGAN, CONGRESSMAN FARWELL, AND THE CHICAGO POSTMASTER—MR. STORRS APPOINTED SPECIAL DISTRICT ATTORNEY—BRINGS SUIT AGAINST REHM FOR CIVIL PENALTIES—THE SUIT DISMISSED—JUDGE DRUMMOND'S OPINION.

PROSECUTIONS similar to those at St. Louis were commenced in Chicago, but although there existed a ring in that city whose peculations had been quite as enormous as those of the St. Louis ring, the result of the Chicago prosecutions was not creditable to the government officers who had them in charge. The first seizures in Chicago were made in May 1875, and grew out of investigations conducted by Messrs. Tutton, Brooks, and Elmer Washburn. The Honorable Jasper D. Ward was at that time United States District Attorney, and under his administration indictments were found against twenty-three distillers and rectifiers, fifteen gaugers, and six storekeepers, while two gaugers and two storekeepers, who were afterwards used by the government as witnesses, and testified to their own frauds

and perjuries while implicating others, never were indicted at all.

There never seems to have been an honest purpose to convict these men. Several of them were invited back from Canada, whither they had fled, and promised immunity if they would testify against others who had been guilty of the like fraudulent practices. These constituted the "first batch."

To these men the prosecuting officers of the government offered absolute immunity provided they would testify (or "squeal," as the newspapers called it) against ten other distillers, whose offences were so slight and trifling as to become insignificant in comparison with the frauds of which the "first batch," had been guilty. The evidence against the "first batch," as shown by the revenue officers who made the seizures, was complete, and absolutely sufficient to have procured their conviction. But the government saw fit to permit these men to go virtually unpunished, and to visit the penalties of the law exclusively upon the "second batch," for reasons which have never been satisfactorily explained.

The organizer of the Chicago whisky ring was Jacob Rehm, who had been for the preceding fifteen years most potential in the local politics of the city and county. In order to secure evidence against Rehm, which it was supposed the fifty-odd men comprising the "first batch" could give, they were all very liberally excused on condition of their giving the necessary testimony. Such wholesale traffic in immunity was never known in the history of the criminal jurisprudence of this or any other country. The precedent having been set, Rehm at once followed it, and in order to secure his own exemption from punishment he implicated Mr. Ward, the District Attorney; Mr. Wadsworth, the Collector; and Mr. Munn, the Supervisor of Internal Revenue. Such a bold bid for safety surely never was made and accepted before. Notwithstanding the fact that Rehm was the founder and organizer of the conspiracy, and had received from it nearly half a million dollars,—notwithstanding that he had made the legitimate distillation of spirits in the city of Chicago a practical impossibility,—Mr. Dexter, one of the special counsel engaged by the Government to assist in the prosecution, stated in Court that he was authorized by Secretary Bristow to accept Rehm's testimony, even at the cost of absolute immunity, if it could not otherwise be obtained.



The whole public of Chicago were astonished when Jacob Rehm, the organizer of this scheme of fraud against the government in Chicago, joined hands with the government, and seemed at least to be acting in co-operation with it, and under its protection. On the testimony of Rehm, indictments were found against Munn, Ward, and Wadsworth. Mr. Ward was removed from his office, and succeeded by Judge Bangs. The charge made against Mr. Ward that he had an interest in one of the distilleries, when investigated, was shown to be false. But it served as a pretext for his indictment and removal, it being clear that he could not be used for the purpose of indicting prominent and respectable men without evidence, and relying upon the testimony of characterless vagabonds, thereafter to be procured, to convict them. Mr. Wadsworth also stood in the way; and although Tutton had spoken most flatteringly of him to the Department, he was removed.

The "second batch," very naturally, sought to follow the example of the first, and make terms with the government. They sent a deputation to District Attorney Bangs, and a consultation was held at his office with him and the other government counsel, at which it was agreed by all except the firm of Rush and Pahlman that they should plead guilty to two counts in the indictments, and withdraw their opposition to the condemnation of their property. The prosecuting attorneys, on their part, promised that all the members of the "second batch" should be treated alike, and that the judge would probably pass a nominal sentence. The main object was to avoid a trial, and therefore after much negotiation these pleas were accepted. The arrangement was carried out to the letter by the distillers, but not by the government attorneys, who on sentence day made speeches in favor of severe sentence, and also, as shown by the affidavits of the distillers of the "second batch," sent a man to the distilleries to bid up the property to a point that suited them before anybody else was allowed to bid. Instead of being all treated alike, some of them received exceptionally severe sentences,—those singled out for special punishment being men like Mr. A. C. Helsing, who had discredited the testimony of Rehm, the principal government witness in one only of the two trials which were all that were ever had as the result of over sixty indictments.

Rush and Pahlman having refused to plead guilty and turn State's evidence, they were placed upon trial, and the whole strength of the first band seized in Chicago was brought against them. Mr. Storrs had just returned from St. Louis, where he had been defending General Babcock, and he was at once retained to defend them.

In a letter addressed to President Grant Mr. Storrs reviewed this case, and it is best described in his own words:

"It was really a case where Rush and Pahlman were compelled to expose the frauds practised upon the revenue, and the government officials were compelled to defend the integrity of those who had been most largely engaged in the perpetration of such frauds. Yet it was with the greatest difficulty that a conviction could be secured even in this case, although there were about seventeen witnesses against the defendants, the jury absolutely refusing to credit the uncorroborated testimony of these accomplices, and reaching their conclusion simply upon the testimony of two witnesses who had not turned States' evidence, and who were not active participants in the frauds concerning which they testified."

The case was tried in March, 1876, and on the day when Mr. Storrs made his closing argument for the defence, there was an unusually large crowd assembled in the court-room. A Chicago paper thus describes the scene:

"It had been anticipated that when Mr. Storrs should begin his speech a regular field-day would be inaugurated, and that gentleman's forensic ability and the knowledge that he had a good deal to say, and that he would say it all, was reason enough for the jam. On the bench with Judge Blodgett were the Rev. Dr. Tiffany and the Hon. Alonzo Huntington, and in front of them were many members of the bar. Judge Bangs occupied the seat which he has so seldom left during the past six days' sessions, and in front of him was a big bundle of papers and books. Mr. Ayers, the only other member of the governmental squad present, sat at the Judge's left, with his overcoat thrown across his shoulders and pulled up about his neck. Mr. Pahlman sat among the ranks of his prosecutors, and near him Mrs. Pahlman was seated, soberly habited in a blue and black striped mattellaise walking dress. Dr. Rush occupied his old position. The general character of the assemblage of mere listeners was very good, but there were some of the 'squealers' present.

"Mr. Storrs was busy at a table preparing the books and documents he was to use during the argument, and was ready for his share of the work when the court told him to proceed. He began in a very low voice, but gradually warmed to his work. The little rencontre between the speaker and the court, in the first part of the argument, had the effect to start all of the counsel's energies and faculties into vigorous action. Every now and then he would spear the government counsel so severely that they would

call upon the court for protection, but every time they did so they were met half-way by the speaker.

"The 'noble band of squealers' must have felt rather uncomfortable, and the witnesses who had been used by the prosecution, and who were present, must have been obliged to exert all their self-control to prevent them fleeing the room. Mr. Storrs stood close to the rail in front of the jury-box, and as he proceeded with the argument his voice rang out clear and loud, so that the unfortunate and late comers who were obliged to remain in the outside hall could hear every word he uttered. In his denunciation of the squealers and the witnesses who, as he said, had lied for the government, he was bitter and caustic. His sarcasm and invective were sharp and keen as a razor's edge, cutting clear to the bone and leaving no ragged edge, and the well-rounded periods marked and emphasized with his extended index finger, which seemed to carry the point of the argument with it."

At the outset, he referred to the course pursued by the Government in trading with witnesses, as follows:

"Has there been, with two single exceptions, a single witness brought upon the stand on behalf of the government who has not been, by his own confession, not only a plunderer of the public funds and a conniver at the plundering, but a perjurer as well? I stated to you, gentlemen of the jury, in the opening that these men were, one and all, perjurers, not because I called them perjurers, but because before the case had finished they would be compelled to proclaim themselves as perjurers. Was my opinion, gentlemen of the jury, true or false? You have heard the testimony. I told you that the case was most remarkable, and would be in that respect unique.

"I challenge all your past experiences and all your former reading as a verification of that statement. Have you ever before been present, gentlemen of the jury, in a court of justice where men of unblemished reputation and spotless character have been placed upon trial by a government whose first duty is the protection of the citizen, and their conviction demanded upon the testimony of men so morally rotten that the English language supplies no epithets sufficiently forcible fittingly to characterize them? Is it my fault that it is so? And is such a characterization of the witnesses who have been day by day trailed before you, and have fouled this court by their presence, is such a characterization wild extravagance? If I should call the course which the government has pursued in seeking the conviction of men of good character upon such testimony as utterly and indescribably infamous, would that be a wild exaggeration? Challenge all your past history, recur to all that you have read, refresh your recollections, if you please, by the experience of all the past, and I tell you, gentlemen of the jury, from the earliest periods of savagery down to to-day no single instance has been recorded in any history, sacred or profane, where from ten to fifteen witnesses who shamelessly proclaimed their own guilt and announced

their own perjury have been placed upon the stand for the conviction of the citizen.

"It is because this most extraordinary course has been pursued—a course absolutely without a parallel anywhere in the history of this world; it is because this course has been pursued by the government, which is your protector and mine, and which should be in the time of calamity and trouble the protector and defender of these defendants, that there is a deep-seated feeling of outrage running through all this community of which this vast audience here to-day is merely the exponent. No man, gentlemen of the jury, feels himself safe; and this trial had not proceeded twelve hours before Rush and Pahlman drifted clean out of sight and were forgotten. The great issue, as I knew it would be, gradually loomed up in all its fearful and tremendous proportions before the people, and they ask themselves this question: Has it come to this, that the government shall trade with scoundrels: that it shall bargain with them; that it shall buy them; and after having made the purchase, that it shall put them upon the stand and under the sacred solemnities of an oath in the almost divine presence of the court?"

Then followed a scene which recalled the intrepid manner in which the great Lord Erskine, upon whom Mr. Storrs was wont to model himself, maintained his ground against the hostile attitude of the Court:

"THE COURT—'Mr. Storrs, there is no evidence here that the government has traded with the witnesses—none whatever, with the exception of Becker, and that was simply to give him safe conduct.'

"MR. STORRS—'I propose, if the court please, and with your Honor's permission, and I think I have the right, to flatly deny the charge which Mr. Boutelle has made here, and which I know is untrue.'

"THE COURT—'I say there is no evidence.'

"MR. STORRS—'There is evidence.'

"THE COURT—'No, sir.'

"MR. STORRS—'There is evidence of trading.'

"THE COURT—'I shall not allow you to assume that there is evidence.'

"MR. STORRS—'I will read it to the jury, and the jury will judge of the fact.'

"THE COURT—'No, sir.'

"MR. STORRS—'I will read it to the jury.'

"THE COURT—'There is no evidence upon that point.'

"MR. STORRS—'Gentlemen of the jury, that immunity has been promised these witnesses is a fact established by the evidence; that they are here under the promise of immunity is another fact, and that there are witnesses here and have been upon this stand—'

"THE COURT—'Mr. Storrs, I shall not permit you to go on and make such statements.'

"MR. STORRS—'I shall read it, sir, from the testimony of Ford.'

"THE COURT—'There is no such statement in the testimony of Mr. Ford.'

"MR. STORRS—'Well, sir, I will come to that presently, and I will read Mr. Ford's testimony. It is flat and unmistakable. And there, sir, it comes to this, it must be a question between your Honor's recollection and the short-hand reporters' notes.'

"THE COURT—'Let us understand each other distinctly now. You have a right fully to comment upon the motives and influences which may have affected the witnesses in their testimony, and the effect which their testimony will have upon the charges pending against them: but that there was any evidence of an agreement between them and the officers of government in reference to immunity the record is entirely bare.'

"MR. STORRS—'I will read the record if your Honor please, without stopping to contradict your Honor now or to discuss the question. I will read the record when I come to it, and then the jury must judge. Without, then, drawing my own inferences, gentlemen of the jury, which it seems that it is improper for me to do—or the court deems it improper—I will say this, and you can draw your own inferences, that from ten to fifteen who were guilty of crimes by their own confessions have been used by the government; that some of these men guilty of these crimes are unindicted to-day. What do you call that? Is it immunity? That their crimes were proclaimed as long ago as last January, and that yet they are untouched! Is that immunity? That one of these criminals and one of the leading witnesses in this case, is unindicted and still is the holder of governmental position. Is that immunity?

"Gentlemen of the jury, you are the judges of the facts. There are the facts. Draw your inferences. Has Marshall P. Beecher received immunity? Whether he has been promised it or not, hasn't he got it? When he was appointed gauger, by his own testimony he was a thief? By his own declarations he has been so ever since he was appointed. Added to this there are a series of perjuries which he shamelessly admits. He is unindicted; and he to-day holds the commission that he has soiled. Gentlemen of the jury, what do you call it? I care not what words you select to characterize it? Why is it that he has not been indicted? Is it because in the hurry of business it has been forgotten? Is it because the case of so conspicuous a scoundrel has been overlooked? Draw your own inferences, gentlemen of the jury. There are the facts; call it immunity or whatever you please. Has he escaped indictment because somebody representing the government has promised that he should escape it? I care not that the man upon the stand swears that no immunity has been promised him. He has got it; and it is simply an insult to the understanding of any man to say that it is an accident that Marshall P. Beecher is not to-day in Joliet, where he belongs. I pass this question of immunity for the present, because before I have finished I will read to you the testimony; and, gentlemen of the jury, of that testimony you are to judge.

"The learned counsel for the government who has addressed you went away out of his way and outside of the record for the purpose of singing the praises of the Secretary of the Treasury.



"I have no discussion to make with the Secretary of the Treasury. Possibly Mr. Boutelle deemed that he was on trial. If so, if he were, and if he is the engineer of this scheme (I do not say that he is); if it is through the Secretary of the Treasury that this spectacle has been presented, he will be convicted if he is on trial; and there is not a jury that can be raked up in this State that would acquit him. All that portion of Mr. Boutelle's speech was a stump speech, and none the less objectionable because it was a poor one. Mr. Boutelle undertook to tell you from what he said was his own knowledge as to the understandings with these men; clearly outside of the record, and as clearly, as I will show you, false from the testimony in the case.

"Many years ago it was recommended by some one who had witnessed curious proceedings in courts of justice that witnesses be elected by the people. The plan is unnecessary. It seems they are appointed by the government. Discharged from office because they are unfit to guage even a gallon of whisky, they flourish out and appear in better clothes than they ever did before, and blossom out as witnesses in a court of justice in favor of the government. The surest road to preferment now seems to be the proclamation of one's own guilt. And the measure of the preferment is merely the extent of the infamy which the man is willing to proclaim."

The witnesses for the government were attacked with all Mr. Storrs' tremendous power of invective. The following are some specimens:

"First. Junker testified that the frauds of which his firm was guilty were those perpetrated with Pahlman and Rush. There is no doubt but what he testified to that, is there, gentlemen? And how eloquent Mr. Boutelle became yesterday in commenting upon that branch of the case! How vigorous was he in the denunciation of my clients; these poor men he called them; he said Roelle, Junker & Co. were poor. There was nothing in the evidence upon that subject. They are rich. A man may possibly be excused from going outside of the record to state the truth; there is no palliation for his traveling outside of the record to state an untruth. How eloquent, again I say, did Mr. Boutelle become in picturing to you this guileless, innocent, intelligent man, Mr. Junker, walking along in the straight path of internal revenue rectitude, deflected from that course by the seductive wiles of Rush and Pahlman, God save the mark! Junker deceived by anybody! Junker betrayed by anybody! Junker seduced by anybody! An unhealthy imagination, the result of a disordered liver—an underdone steak—must have been the fountain from which such a conception sprung.

"If, gentlemen of the jury, an instrument partly written and partly printed is presented to you, and the man whose signature is appended to it tells you that he did not understand what the instrument was, and yet all the blanks are regularly and correctly filled in his own handwriting, what have you got to say to such a witness? When you come

here into this jury-box you do not leave your every-day judgment out of doors on the street; you bring it with you, and you apply it here precisely as you apply it in your ordinary avocations. There is not a man now on this jury—there is not a man in the wide circuit of this State—who would believe a man who told a story of that kind, and yet Anton Junker has told that story, and you are asked to believe him to the extent that you will convict good men on his testimony. Gentlemen of the jury, I say that it is simply shocking—it is atrocious—that men as decent as my clients shall be put in peril of their personal freedom upon as infamous and completely riddled testimony as that. But that is not all. I come now to his general credibility. Who is the man? By his own testimony, supplemented by that of his employe, he is shown to have been engaged in a steady, persistent course of fraud ever since 1870. Not a week nor a month has passed during that long interval of time in which this witness has not been guilty of fraud; he has committed felony upon the government by robbing the revenue; he has committed frauds upon the government by unblushing perjury over and over again, which he is compelled to admit; he has committed frauds upon the revenue by the wilfull and deliberate destruction of his own books, from which his multifarious frauds would have been discovered. Yet, gentlemen of the jury, you are asked to believe him!

“Perhaps the course that has been pursued might have been justified had but one informer been taken; but what is the spectacle presented here to-day? It is not one informer detached from the many and swearing against the multitude; but it is the multitude let loose and swearing against the individual. I have undertaken to find some precedent for a case like this. It cannot be found; history shows no parallel to it. From twenty to thirty men guilty of felonies against the government have turned state’s evidence against one or two! That is a violation of the law, for while the law does give, in extreme cases, to the inconspicuous conspirator who turns state’s evidence a pardon and immunity, it is just as well settled that the principal offenders shall never be permitted to escape. He is not only a defrauder of the revenues, a perjurer, the suppressor of proof, the destroyer of his books, but bribe-giving and bribe-taking seem to be a part of his daily avocations. And added to the crimes already piled up against him, he comes in here as the contributor to Mr. Jacob Rehm of from \$20,000 to \$30,000 in money for the purpose of securing immunity for the frauds he has perpetrated. The idea of immunity seems to be high and strong in the hearts and minds of these men. This firm paid Jake Rehm \$20,000 for immunity; they got his promise for it. He was then their defendant. They are paying a higher price for the same thing, only they have had to select a different champion, and that is the officers of the government.

“The next corroborating witness, DeBos, a poor sniveling employe of this strong and powerful firm; illiterate to the last degree; a participant, according to his own statement, in all the offenses of which that firm had been guilty from day to day, and month to month, and year to

year, comes here, fished up at the last moment, for the purpose of proclaiming the guilt of his employer and his own guilt as well. He stated to you upon his direct examination—and it would have been plausible had not this plausibility been dissolved upon his cross-examination—that the reason that he knew that these spirits had thus been fraudulently sold by Rush & Pahlman to Roelle & Junker, was that he read upon the stamps of these barrels the inscription by which he was enabled to determine the character of the stamps. I am stating that testimony with entire and absolute accuracy. His attention having been called in his cross-examination to the facts, he was unable to satisfactorily describe why he could distinguish the difference of one from another, and he was driven to that conclusive corner where, upon the presentation of the stamp to him, he was compelled to say that he could not read a single word of it. He swore upon his direct examination that he did read the stamps. He swore upon his cross-examination that he could not read that stamp or any other; and that single significant fact is enough to consign his testimony to the realms of utter unbelief and disbelief, and denounces him as a party in the same great crime in which his employers are implicated.

“I have said to you furthermore, that there are exceedingly curious features about this corroborating testimony. When were these corroborating witnesses first discovered, and who were they? These defendants had been indicted. They had—or at least one of themselves declared himself as prepared after a little time to go to trial. Time passed on, and we came into court here and asked for a continuance of two days, which the court kindly granted us. Then, it being absolutely certain the trial must be heard, the necessity of finding corroborating evidence was very apparent. On Tuesday, this trial commencing on Wednesday, these corroborating witnesses were suddenly fished up by Roelle and Junker going back to their places of business, talking with their employes—I am justified in saying instructing them as to the character of corroboration which was required, and dragging them down here before the officers of the government, where they were examined and then put upon the stand.

“Gentlemen of the jury, when you find corroborative evidence of that character thus incidentally and mysteriously discovered, the conclusion which you inevitably reach is that there is no corroboration, but that there is simply another evidence of the long line of guilt in which these men have been engaged. Am I stretching presumption when I ask you to believe with me that these so-called corroborating witnesses were the agents and tools of their employers? Have not Roelle and Junker both proclaimed to you on the stand here that their subordinates and employes would make false returns and swear to them whenever their oaths were required, without the slightest hesitancy, at the demand from their employers—from week to week, and month to month, perjured themselves? Do you believe that there would be any hesitancy when the great question of immunity from punishment was before them, that these same men thus true to perjury would hesitate for a second as witnesses upon the

stand? Remember, gentlemen of the jury, it is no untrained men that they have brought here to corroborate them. They are men trained already in crime. Guilty of numberless felonies, one additional, one more crime in the long and sickening catalogue is not a matter of the slightest moment.

"Now talk about the corroborating evidence! They are corroborated by witnesses, accomplices—corroborated by their own guilty agents and instruments—and the fact that they have failed to draw corroboration from any other quarter demonstrates the extremity to which this case has been driven—demonstrates that one more crime has already been added to the others.

"Now, then, gentlemen of the jury, I come to the testimony of Mr. Ford—Mr. Burton M. Ford. I desire to call your attention to this fact, that the impeaching testimony of Mr. Ford was not fairly treated yesterday. Counsel suppressed its leading features and characteristics, and undertook to wriggle out from the conclusion which the evidence in the case inevitably fixes upon it, that in denying what occurred before the Grand Jury, Mr. Ford on this stand was guilty of willful and corrupt perjury. Praises of Mr. Ford have been very highly sung here: you have been told how high is his social position. You know nothing of his social position; we know nothing of his social position, and the longer I live in this world and the more I see of it the more unsatisfactory do I regard it when the condition of real and general manhood are to be employed. This little, wretched, miserable man, is of high social standing. He may have been to all the glittering receptions in this city, faultless in his attire and Chesterfieldian in his manners, and a very admirable character in his accomplishments, but he is a scoundrel to the government and a perjurer. There has been such a punctilio of crime, such a refined gentility of scoundrelism, such a course of fraud, such an elegant propriety in swindling, that in the estimation of the counsel for the government who are seriously carrying out the great reform, when these crimes are being committed by men of social prominence, they turn round and say it is a little indiscretion.

"Gentlemen of the jury, men of integrity existed long before there was much social distinction; in the earlier and better days of the world people did not count much on social distinction. Why, the best men had but little social distinction. Johnson violated all the proprieties of the parlor, smoked with a cob pipe and sat with his legs crossed. In company he had no social position, but he was a pretty reputable man, as all the world knows. Even Abe Lincoln never had social accomplishments. Mr. Ford, punctured through and through as he has been with frauds against his government, was infinitely Mr. Lincoln's superior. Lincoln was a pretty decent man."

"MR. AYER—'What frauds do you accuse Mr. Ford of?'

"MR. STORRS—'I can't stop now to particularize, but I will let you know before I get through.'

"Anxious to know of what scoundrelism his friend Ford has been



guilty—this man elevated as an exemplar of social position! Before I have finished I will show four or five, which will perhaps be large enough to satisfy the keen curiosity of Brother Ayer.

“Why is Ford on the stand? The Penitentiary was opening its gates to receive him. There is freedom and his oath on the one side and the Penitentiary on the other. No coarse bribe like dollars would reach Mr. Ford, but for a man in his eminent social position to be sent for a crime to the Penitentiary was dreadful. And thus, as the evidence in this case stands, not only have you an informer, but a bad informer, and, gentlemen of the jury, this is the highest praise that was ever offered to the man. I hope that no such calamities in the future may ever overtake you. I trust that no such troubles may ever surround you as that you will be placed before a jury of your countrymen on trial, where your life or liberty is involved, and your conviction or acquittal rests upon the testimony of a man who is swearing under such a tremendous pressure as that. Here it is as clearly as if it had been written in letters of living flames against the sky: ‘The price that we pay for the testimony which you shall deliver in this case is your freedom. Your testimony must be convicting testimony, or the price will not be paid. Your freedom for your oath.’ Has the government been a party to this? If not, who has? This arrangement was not made all on one side; there were two parties to it, and here stands a witness driven at least to this confession.”

“Q. ‘Have you ever been assured by your counsel, Mr. Smith, that you are to receive immunity? A. Yes, sir; he gave me to understand I was.’

“Q. ‘Did you receive assurances of immunity before you testified? A. Yes, sir.’

“What does immunity mean? It does not mean a little punishment; it does not mean a light fine. It means, gentlemen of the jury, absolute exemption. It means that this man, because of social position or for some other reason, guilty of all the crimes which he has himself detailed, is to be let free on condition that he will swear against his old friend. Friend! Friend! I know, and you know how to value friends; but such a friend as that, who will kiss and betray! I have already made some commentaries to you about Beecher. Please stop and think of that. A government officer for years, by his own statement consistently and persistently a criminal—his whole guilt disclosed last January. Why on earth was there no indictment? Will you tell me? Are you to sit there and to be befogged by the averments and noisy dictates of counsel, that there has been no immunity offered to that man? Offered him! Why, he has it. It is not a promise; it is performance. Go back to your homes and think of it; think of the scheme in which your government and mine has been engaged. That government to preserve which you willingly expended three thousand millions of money, went through the perils of war, and sacrificed half a million lives; think of it! Men like Beecher, placed upon the stand here as witnesses, denying that they have immunity, and holding in their hands their government commission, unindicted, and their



freedom unchallenged and unquestioned. If this is the kind of government we have got, gentlemen of the jury, let us take hold of it and regulate it. I go further. Is there no immunity? Ernst Mattern, Adolph Mueller—all that savory gang of vagabonds unindicted, unpunished, free as the wild birds in their roamings. No; there is no immunity! No; there is no immunity. Becker; has he got immunity? What do you call it, gentlemen of the jury? They say it is a safe conduct. Which is a safe conduct? Becker left his country for his country's good, as Beecher had left, and it was fondly hoped that he might remain. But no, his country called him, and he must obey. Think of Becker, that pure perjurer and plunderer, come back to his adopted city at the call of his adopted country! Is the government engaged in punishing criminals? No! What is its chief business? In sheltering and protecting them. The lightning telegraph carries the message to Becker: Becker come back! He receives assurance of freedom—the thing he wants; of immunity, which his heart has so longed for. The operation in that case was carried on through counsel. You observe how counsel are in all these cases. There is, so to speak, a "toniness" about these bargains. There is a professional delicacy required. The counsel managed this business; Junker's counsel managed his business: Mattern's counsel managed his business; Becker's counsel managed his business; Ford's assurance came from his counsel; and the time having arrived when there were two men found against whom there was no documentary evidence, and nothing but the testimony of perjurers, and determined they would stand up for trial, counsel went to dispatching telegrams. He received his dispatch on Tuesday afternoon, and back starts Becker on his patriotic mission and returns a purified man.

"Who have been the witnesses in this case? How many of them have been officials? Beecher, Mattern, George H. Miller, Bummer Mueller, Herman Becker—all these are officials, and some of them are unindicted; unpunished, some of them. Does that, gentlemen of the jury, look like carrying out their promise?

"But I come back again to the testimony of Mr. Ford, from which I was diverted by the consideration with reference to immunity. Now, then, what is his testimony? He was spotless, Mr. Ayer tells you, down to the time he was seduced by Rush and Pahlman. Was he? Does Ford tell you so? What kind of spotlessness? Will it wash? Engaged for years in buying distilled spirits, for a sum less than the revenue tax on it, of course he could not suspect that the purchase was perpetrating any frauds upon the government to which he was a party? Think of it, gentlemen, how miserable the pretense! Through 1866, 1867, 1868, by his own testimony, he was engaged in helping distillers defraud the revenue. There can be no surer evidence of fraud than the value of distilled spirits at a price less than the government tax thereon. Mr. Ford is no chicken. If an unknown man comes to him with a valuable piece of property which he offers to sell at a price greatly less than its actual value, and the property turns out to be stolen, in the good old times

when the sun rose in the East, and before we had any revenue cases, that circumstance was considered as evidence of guilty knowledge. When a rectifier of such high distinction, of experience of a quarter of a century, purchases distilled spirits at a price somewhat less than the tax which the government imposes upon it, he knows as well that there is a fraud in the transaction, and that he is a party to, and aiding and abetting it, as he knows that two and two are four; and this is the business in which Mr. Burton M. Ford, by his own testimony, has been engaged.

"He bought at less, he says, than the tax, and sold for as high a price as he could get. He relieved his conscience of the inefficiency of the purchase money by the exuberance of the price which he received."

"MR. AYER—'Mr. Storrs, I think Mr. Ford never testified in any such thing.'

"MR. STORRS—'Do you? Well you are mistaken.'

"MR. AYER—'He didn't testify that he bought any spirits of Rush & Pahlman for less than the government tax.'

"MR. STORRS—'Oh, yes he did. You do not talk like a man that has ever been in a court-room.'

"MR. AYER—'Your declarations to that must be received with some degree of allowance.'

"MR. STORRS—'Your contradictions must be taken with a very large degree of allowance, Mr. Ayer.'

"THE COURT—I think Mr. Storrs is correct in that. He stated that he had bought in times past—in 1866, 1867, and 1868—below the government tax. That is my recollection of it.'

"MR. AYER—'I don't remember it so.'

"MR. STORRS—'That don't change the fact. If you find it you won't read it. But that is so conspicuous a fact I did not think it would be contradicted. I do not know, after all, but that it is better that we should have these occasional interruptions, because it simply emphasizes the facts. It underscores them. It italicizes them in your memory and in mine. You are right, and so am I. We are both right.'

"You will inquire, what kind of case is it where the counsel are guilty of such marvelous obliviousness of all that has been transpiring here. They have looked with such steady gaze upon the dazzling rays of Ford's social position that they have not been able to see another earthly thing. Put your eyes against the sun sometime and try it.

"Let us go a step further with Mr. Ford. Is he entitled to belief? Not if the same rule is to be applied to him that the courts have applied to witnesses for hundreds of years past; not if he has sworn falsely upon any material point in this case. If he has, gentlemen of the jury, it is your privilege—not only your privilege, but your duty—to discredit him. He comes upon the stand bearing this terrific load of guilt. He cannot roll it from his shoulders. He comes here bearing an immunity in one hand and his testimony in the other. Suppose we discount that; take him as a spotless man; start with him as such; then what? Oh, Mr. Ford would not stand the test of truth then! Why?

Because he has proven to have committed one distinct, unmistakable perjury in this case.

"Burton M. Ford, but a few years since, carrying a pleasant exterior, walked among his fellows as an honorable man, To-day, that he might have his freedom, he is morally and absolutely shipwrecked and blasted. To-day, by his own lips, he stands the perpetrator of, and the participator in, a long line and series of frauds against this government.

"Have I told all this story? By no means. By no means. It is considered among men, and has been, as one of the meanest of crimes—the destruction of one's old books and papers that may possibly lead to one's own conviction. Conflagrations seemed to be frequent with Burton M. Ford. Time and again and again were his books destroyed. Why? Destroyed because with all their suppressions, with all the falsehoods they contained—and contained by his direction—still the keen vigilance of an honest, shrewd, and faithful officer could detect him in the crimes of which he had been guilty. And so, covering one crime to escape detection in another, he calls his man McMahon to his side; he waits until this court has delivered a decision, takes his checks and invoices, all his books and papers, puts them in the flames, and waits to see that the evidences of his criminality are destroyed. Is that an indiscretion? Gentlemen of the jury, this is a story which no man has invented against Burton M. Ford. No witness, influenced by passion or prejudice or zeal, has testified to it against him. But, great heavens! it is the man who has told it against himself! Taken out one by one from the recesses of his heart, where, in the long years past, they had been hidden, the crimes of which he has been guilty he has dated out to you, gentlemen of the jury, and exhibited them in all their hideous deformity, in order that the greater the crimes of which he had been guilty the more should he be entitled to your credence and belief.

"Is that all? No. It is enough, is it not? It is not all. I asked Burton M. Ford if he ever signed any of these returns, which, as a rectifier, he was obliged to make. He never had; his book-keeper had done that. And now let me show you what he says about that poor book-keeper. Do you remember the commentaries of Mr. Boutelle upon that branch of the case, yesterday? Were you not appalled at it, when, unblushingly, Boutelle stood up before you, representing this great government, and says: 'Why, he didn't commit any perjuries; he merely got his book-keeper to do it for him.' I say, again, gentlemen of the jury, what is there in the air of this business that so utterly demoralized men? When have your consciences ever been outraged so before, and your judgments insulted? A witness justified, defended, because the perjuries from the commission of which he has rolled up his thousands were not committed by himself, but he got his book-keeper to do it for him. True, Ford knew they were perjuries. He knew they were necessary. True, he knew that without them detection of his frauds were sure and inevitable, and he took this poor book-keeper on the little, miserable stipend that book-keepers get—Wobecke—he goes up to him month by

month with these fraudulent and lying returns and says to him: 'Wobecke, here is a little piece of perjury; please perform it.' [Laughter.] It is perjury or dismissal. And now, see how callous the man is about it [reading from the testimony in the case]:

"Q 'Let me show them to you'—that is, these returns. 'Is it possible that you would let your book-keeper go along week after week and month after month committing perjury in your interest and behalf?' He answers: 'It was none of my interest to see what he swore to, but the man that took the oath.' That is the dirtiest deed of the lot; the dirtiest deed of the whole sickening line of dirty deeds. Pocketing the proceeds of this crime, this man of veneered and frescoed social distinction had no interest in the question as long as his mere subordinate and tool committed the perjuries for him. I might feel, and you, gentlemen of the jury, if our hearts were particularly charged with mercy, and in the sunshine of a new centennial we were beneficent all over, I might feel to say to Ford: 'Poor Ford; you did commit these perjuries; they were perjuries; you are punished for them; go and sin no more.' But when he sneaks upon the witness' stand and adds to the crime of perjury, the meaner crime of a sneak and the coward, there is something so deep in the bone that no human being who speaks English naturally ever in this world excused or forgot it. And if, after this trial is over, you have any peculiar record at home of peculiar classes of wickedness, hunt them all up and see if you can find anything anywhere more utterly heartless, soulless, or bloodless than this. What is the soul of a poor book-keeper to this decorous gentleman? What is his reputation to him? What is the fact? What is that soul that has been blasted by the crimes it has committed to this man who pockets the proceeds and reaps the benefits? Nothing.

"The plunder which by this suborned perjury he has reaped enables him to shine in those social circles of which Mr. Boutelle speaks. Gentlemen, let us resolve to-day that we will have none of this social distinction. We see what it has led us to. Suspected of bribes, frauds of all kinds, felonies of every description, perjury and subornation of perjury! These are the instruments by which elevation on that giddy, unsubstantial platform called social distinction are achieved.

"If Ford's credibility from his own testimony, is not seriously impaired, will you be good enough to tell me how you are going to impair any man's testimony? What is it that you will ask a man to do? Murder may be committed in the heat of passion. Human life may be taken under tremendous provocation. We may, while we may not, forgive it, still see in the heart of the man guilty of so great a crime some grains of sanctifying grace. Necessity and want may so overcome the rulings of one's conscience as that robberies and thefts may be the result; but yet the robber and the thief may have his good qualities. But, gentlemen, the use of power which the employer has over the employed in these times to force the latter into the constant commission of perjury is a sin which in the last great day will, in its fearful enormity, cast its black and damning shadow all over the crimes which I have named,



so that it will utterly obscure them. A robber of the revenues through 1866, 1867, 1868, and 1869; a destroyer of his own books; a demonstrated perjurer upon the stand himself; a suborner of his own employes—twelve men called here from every portion of Northern Illinois are asked upon the testimony of such a man, who is swearing for the priceless boon of freedom, to convict Dr. Rush and Mr. Pahlman, against whose names up to this time no breath of suspicion had ever been cast. Should you do it, gentlemen of the jury, your consciences would never let you sleep.

"It seems to me, gentlemen of the jury, that, right-minded men as you are, you would see your arms rot and drop from their sockets before, by a verdict of conviction in this case, you would justify that kind of scoundrels who have been running riot and rampant in this city for days and weeks and months. Upon what precipice have we stood and do we stand to-day? Can human imagination possibly conceive of dangers more awful and appalling than those which have surrounded us during all these dreadful times? Mark you, not an honest pursuit of the truth, not an earnest effort to discover guilt and punish it, but an utter abandonment of all designs of that kind, and immunity to the principal actors in this gigantic scheme of government plunder which has been carried on here for years. The time has come when a halt must be called, and when you shall say to this rolling tide of wrongs as it sweeps up against your feet, 'Thus far shalt thou go and no farther; here shall thy proud waves be stayed.'

"So I say, in the presence of those dangers, Rush and Pahlman sink out of sight utterly. The prosecution of Wilkes in Great Britain years ago almost brought about a revolution, worthless demagogue as he was; but the principle involved was a great and a sacred one. These men are honest and upright men, but even if they were ten thousand fold greater men than they are to-day they would not be of the slightest consequence when compared with the great, overshadowing question which rests upon your consciences, which, as jurors and citizens, you must decide. You cannot, if you would, escape this responsibility. Mueller is put upon the stand. He was tracked down to a period as far back as 1864, when he was engaged in frauds. Adolph Mueller, whose characteristics have crystallized into a name so that the men who know him best and have known him the longest call him 'Bummer' Mueller, the propriety of which he himself instinctively recognizes.

"One of their witnesses says to you in the whining manner that he displayed here—I think it was George A. Mueller—that he held out that his conscience troubled him, but he thought first of the dollar a barrel and then of his conscience. [Laughter.] And after two weeks of prayerful meditation, while the dollar was upward first and the conscience next [laughter], down went the conscience and up went the dollar, and he came to the front like a man who raised on his bid and says: 'My conscience troubles me for a dollar, but I can go it for a dollar a half.' [Laughter.] These are officials.

"Gentlemen of the jury, possibly it is outside of the record, but it is



a piece of such solid truth I would like to tell it to you. These are specimens—good specimens—of the Chicago sewer politicians. They are all little, ‘bummer,’ city ward-politicians. A dirtier set never lived. The day before election ring a bell at the mouth of a sewer and see how they will come forth [laughter]—men just like Bummer Mueller. [Laughter.] The slums give them up. [Laughter.] They breed with the lizards. [Laughter.] This is a city politician. These are fitting types and representatives. I would make no unkind commentaries on a man’s face. The Lord is in a measure responsible for that [laughter] except the tone and color which whisky, straight or crooked, vigorously applied, has given to the countenances of some of these men; but our Great Father is kind to us here—very kind—and when He makes a bummer if He don’t write it upon the face of a man like Adolph Mueller in such legible characters that no man who can see could be mistaken, I am mistaken. Put those countenances altogether—read them. Look at them. Gentlemen of the jury, would you go to that kind of faces for truth? Would you search the records of such lives as those, low down and depraved as they have been for years, for any satisfactory evidence in so sacred a business as the administration of justice? Better go to poisoned springs for the water you drink than to go to such sources as these for truth, from which truth fled disgusted long years since.

“One happy result we have reached is this: They have been trained on this stand one after another, and the tax-ridden and oppressed people have read the record which these scoundrels have made for themselves, and they finally have got to see by whom in the years past they have been ruled and governed. Roelle has been a County Commissioner, Becker active in politics; Bummer Mueller tells you he was elected by the people as ‘assassor.’ Little low-down politicians all of them; utterly characterless—completely and utterly so—with souls so small that even with the largest measure of redemption and salvation the great danger is that in the final day, with the most microscopic vision, they will be overlooked. [Laughter.] They have been contradicted, gentlemen; they contradict themselves and each other.”

He then turned to the consideration of the documentary and other evidence introduced for the defence:

“I desire now to call your attention to one tremendous bit of evidence in this case. It is the fact that while these other confessed plunderers of the revenue destroyed their books, because, as they have proclaimed to you, the emergency of the case demanded it, Rush and Pahlman have sedulously preserved and cared for theirs. These witnesses, one after another, have demonstrated to you that it is utterly impossible that the books—taking the whole series of them—should not betray these frauds. Start with a false entry anywhere, your falsehood, must be carried consistently, persistently through from the beginning to the end. It must not only be a falsehood; not only a fraud, but the same fraud; else you slip and detection is sure. A lie, a suppression, once finding a record on the books must, if it succeed,

know 'neither variableness nor shadow of turning;' and yet this government, engaged as it has been in the prosecution of these investigations for months and months, having in its custody the books of these defendants ever since last January, subjecting them during all those months to the most rigid scrutiny and the keenest examination, to all the tests which human ingenuity could apply or devise, have utterly, miserably failed in producing from all that vast multitude of records one single trace or line that is criminatory to these defendants. I do not know how it strikes your mind, gentlemen of the jury, but it seems to me to be a tremendously telling circumstance here. There are cases where the most tremendously telling evidence which possibly can be commanded is the evidence of silence. When one is charged of wrong, and remains silent in the presence of the wrong, how telling and significant is the silence. If there were frauds, these books, examined as they might be, would speak the fact so eloquently, so clearly that they could by no earthly possibility be the shadow of a mistake about it. What have the books done? We have produced them as far as we could. We would be glad that they should all go before you. And yet Mr. Boutelle, representing the government, yesterday had the hardihood to ask us why we have not produced all this great volume of record which has been in the custody of the government ever since last January. And, gentlemen, was that a fair point to make? Was that an honest point to make? Was there anything in the situation of the counsel that justified the making of such a point as that? Was there anything in the emergency of the case which possibly could have excused it? There those books have lain, and every one of them that has been introduced in evidence we have introduced ourselves. We would be glad, if time permitted, that you would go through every one of them. They have not suffered them to be removed from the custody where they have been since January, and subjected to the keenest scrutiny and the most rigid investigation. Those voiceless, tongueless books yet speak, and speak more eloquently than I can, from their very silence, as to fraud and the absolute guiltlessness and innocence of these defendants. In the presence of the tremendous evidence of that silence, hordes and hordes of self-proclaimed plunderers and self-convicted perjurers might come upon the stand here until the weary soul sickened at the spectacle, and yet the silent testimony of the books would prevail.

"I superadd to all that the high and flattering testimonials which have been borne here to their reputation. You observed, gentlemen of the jury, that we stopped calling witnesses as to character because the court required us so to do. Scores of witnesses had been summoned upon that point, and would have been placed upon the stand here, but the court, in the exercise of its rightful discretion—judicial discretion—declared that we had gone far enough on that point. You would be satisfied, gentlemen, if the old friends that had known you in the long years that have passed, men who had themselves borne honorable lives, and in some instances those lives have ripened into large measures of fame and renown: would it not be a source of solid satisfaction to you, standing, as the most of you

do, upon the down-hill side of your lives, that the old friends whom you had known in the years that are passed could speak nothing but benedictions in your praise? That is the splendor of character. That is the beauty of a good name; that when it is assailed by informers and by sneaks and cowards the good deeds of the long years that are passed seem to take root and ripen, and ripen, and ripen, and they blossom into the final fruit of complete and perfect vindication. All this results from a good name, which is not the birth merely of a day, but is the steady outgrowth of the steady working of the long years of the past. Such a result it is that sweetens all the troubles and disasters of life to us. And in the presence of such a character thus vindicated and thus sustained, the outraged citizen thus assailed may clothe himself safely about with the good name that his friends give him. It is a potent armor that will protect him against the poisoned darts of malice and perjury. It is a sure shelter and refuge in the time of trouble. If you have sons, I know, gentlemen of the jury, that you can ask nothing better for them than that, in the long road of time which it is to be hoped they may have before them, when they reach the years that these defendants have attained, they can call about them such hosts of friends who will stand up with the enthusiasm which has been indicated upon this witness stand and vindicate them.

"Gentlemen of the jury, I am loath to leave this case. I am loath to leave you. I am impressed with the greatness, with the solemnities of the issues which it involves.

"We are standing to-day, gentlemen of the jury, just upon the threshold of our second centennial. The one hundred years that are before us hold out to us, as I sincerely believe, great achievements and noble deeds, and that in those years that are before us the Almighty is, slowly it may be, but surely nevertheless, hewing out for this land that we love the most colossal and splendid results of history. Standing upon the threshold of that coming time, remembering the perils through which we have passed, and the perils through which our fathers before us have passed, let us signify our devotion to the great cause of good government and undivided liberty by saying to these defendants that they stand vindicated, and that the tongue of the slanderous and perjured informer can work no harm. Their interests are intrusted to your hands; we feel that they are safe there. I need not impress upon you further the importance of these great questions which you are called upon to decide.

You know them as well as I know them, and when the final decision comes, gentlemen, gladden your own hearts, justify your own judgments, make all these people rejoice that the great danger which has threatened them is averted, and pronounce, as I believe it will be your pleasure to pronounce, the verdict which shall meet the approval of the best judgment of the best men of the country—"We find the defendants, Not Guilty.'"

This strong appeal was unsuccessful, and the defendants were convicted. The jury were out nearly twenty-four hours before

they reached a verdict. That trial had the effect of breaking down the informer system; and so great was the public indignation at the result, that, as stated by the District Attorney, any success with evidence of such a character thereafter became impossible.

The trial of Supervisor Munn was, however, proceeded with on evidence of the same character. The leading witness against Mr. Munn was Jacob Rehm.

"His testimony," said Mr. Storrs in his letter to the President, "and that of the other witnesses in the case, demonstrated the fact that Rehm was the fountain-head of these frauds, that he absolutely dominated and controlled the appointment of all the subordinate officers here, that they held their positions subject to his will, and that it has been utterly impossible, since the spring of 1872, for any one engaged in the business of distilling to prosecute it without paying contributions to Mr. Jacob Rehm. The fact is that he has received by this course of plunder from the distilling interests in this city, since the spring of 1872, it is safe to say, at least four hundred thousand dollars. The shallow pretence he made, that he was seduced by Mr. Hesing into this business, and that he had himself retained none of the money which he had thus extorted from the distillers, met, when the pretence was first made, with universal derision and contempt, and was totally overthrown during the progress of the trial. The entire community felt that the conviction of any man upon the testimony of Mr. Rehm would be such an outrage upon the rights of the citizen, that it could not for an instant be tolerated; and although the government officials put forward the case of Mr. Munn first as being doubtless the strongest one, yet his acquittal meets with universal approval, and the course which Mr. Rehm has pursued, and the protection which he seems to be receiving from the government, meet with as universal condemnation. The present District Attorney, Judge Bangs, is a most faithful, efficient, and without doubt, honest officer. He apprehends, as clearly as I do, the unfortunate position in which the government is placed whenever it seeks the conviction of any man upon the testimony of such a witness. He understands, as clearly as I understand, that every effort now made in that direction is a discredit to any administration which makes it. From the prosecution of any officials based upon the testimony of Mr. Rehm, is withdrawn every element of moral support in this community. I venture to say that in this entire State, not one intelligent, honest-minded citizen can be found who would not deplore any further efforts in that direction, believing that a continuance of these prosecutions would result in most serious discredit to the government itself, and believing also, so thoroughly aroused is the public feeling against this man that a conviction is an utter impossibility."

The trial of Mr. Munn resulted in an honorable acquittal; and Judge Bangs thereupon dismissed the indictments against Ward and Wadsworth, notwithstanding that he had been directed by



the Solicitor of the Treasury, Mr. Bluford Wilson, to go on with them.

"There still remain upon the docket undisposed of, two cases,—one against the former Collector, Mr. Wadsworth, and the other against the former District Attorney, Mr. Ward. I think it is safe to say that in this community, where Mr. Wadsworth is known, not one man in a thousand to-day believes he is guilty; not one in a thousand ever believed it.

"The case against him is weaker than the case against Munn, and it practically rests upon the unsupported testimony of Jacob Rehm. There is practically no case against Mr. Ward, except such as Mr. Rehm may see fit to swear to. But the difficulty has been that up to the present time, at least, Rehm has held the distillers in such complete subjection as, by threats and otherwise, to lead them to believe that if they told the truth against him severer punishment would be inflicted upon them for it; so that it has been impossible to expose the full extent and measure of his iniquities. I have represented to Judge Bangs this condition of affairs, and the terrorism under which the distillers have rested, and he assured me that he was not aware of it, and I do not believe that he was. I think, however, that he now credits my statement; and I do not believe that, if left to his own judgment, he would deem it wise, or just, or decent to go one step further in the prosecution of the cases against either Wadsworth or Ward. I have nothing to say now as to this business of immunity, although it is a matter upon which I have very positive opinions. That will probably be a subject for future investigation; but I desire to state to you that my profound conviction is that the league which, unwittingly or otherwise, the government, through its representative in this city, has made with the worst men engaged in the whisky business does more damage, and inflicts an infinitely greater injury upon public morals and the substantial public interests, than all the robbing of the revenues since we had a national existence. The government has demonstrated that it is sufficiently powerful to protect itself against frauds upon its revenue. The whisky ring in this city, of which Jacob Rehm was the author, is crushed out of existence. The members of that ring are to-day bankrupt, without a single exception, and it is not only my opinion, but the opinion, I believe, of every fair-minded man in this community, that the time has now come when the government should stay its hand, and declare that through no self-proclaimed thieves and perjurers will it seek the conviction of any one. Regarded merely from the low stand-point of political expediency, it is perfectly clear that a continuance of the methods which have been employed in these prosecutions would be most unwise. The fact is that in the prosecutions in this city the government itself has been in league with the whisky ring, and Rush and Pahlman in their case, and Munn in his, have been, and Wadsworth in his case will be, compelled to attack that ring and the members of it. The earliest sinners and the worst have stood the highest in the favor of the government. Such men as Goleson, Parker R. Mason, and Jacob Rehm, who have always been utterly disreputable and



characterless, seem at least to have had control of the prosecutions, and to have dictated the methods in which the prosecutions shall be carried on. They have had the confidence and the ear of the government. This condition of affairs Judge Bangs is beginning to understand. I do not believe that he relishes the position in which he finds himself placed.

"He has, I understand, written to the Attorney-General with reference to the cases of Wadsworth and Ward; and he declares to me that, left to himself, he should have no hesitancy in directing the dismissal of those cases. I have troubled you upon this subject for the reason that I felt desirous you should understand what the general feeling of the public is, and I assure you nothing could be done which would meet with more unanimous and cordial approval of our entire community, and the more thorough endorsement of our best public sentiment, than the discountenancing of the employment of such men as Jacob Rehm, by the dismissal of the cases in which he figures as the principal witness. I am anxious that you shall understand what this feeling is, and that the Attorney-General should understand it; and, were he inquired of, I have not the slightest doubt that Judge Drummond and every friend that you have in this city would thoroughly endorse what I have said. Among the distillers who have been indicted and pleaded guilty, there are a few who have always stood well. H. B. Miller, Mr. Powell, Dickinson, Leach & Co., and Rush & Pahlman are men who went into the distillation of illicit spirits when it became evident that the government would not assist them in the prevention of frauds in other cities, and that they must either themselves engage in the manufacture of illicit spirits or quit the business. These men have already been most severely punished; they are all bankrupt; they are useful men, and, in the main, good citizens. They are entitled to belief; they have not sought their own escape by the ruin of their associates and competitors in business. Their course has been manly and straightforward; and yet, the curious result seems to be reached that they are specially to be made to suffer, while the infinitely guiltier ones are to escape. It is through them, and through the exposure which Mr. Hesing has made, that the full extent and measure of Mr. Jacob Rehm's long continued frauds upon the revenue have been discovered. Upon Mr. Hesing, Mr. Rehm, taking advantage of his position as a government witness, attempted to unload.

"Of course such an effort was ridiculous upon the face of it, and encountered utter and shameful failure. Whatever Mr. Hesing's political errors may have been, he is a truthful man, and, at the risk of added years of imprisonment with which he was threatened, he took the stand, and, as far as he was permitted to do so, told the truth of Mr. Jacob Rehm. These, however, are matters to be considered in the future. It will be well and wise, I think, at some future period for the administration to understand precisely the facts,—the truth, the whole truth, and nothing but the truth.

"I am as certain as I am of anything in this world, that if you ever come to know the truth, justice will be done; not such justice as seems to have been arranged for in these prosecutions, but such as an intelligent, honest public sentiment will approve."

The local press, with singular unanimity, adopted Mr. Storrs' view of these cases. They commended the action of the District Attorney in dismissing the indictments against Wadsworth and Ward. Mr. Bluford Wilson, the Solicitor of the Treasury, had ordered the trials to proceed, but Judge Bangs decided to dismiss them upon deliberate conviction that the government could expect only a verdict of acquittal. One Chicago paper said:—"It was known at the time of the Munn trial that the government had made as strong a case as lay within its power. The result in that case demonstrated that juries would not convict on such testimony as the government had to offer. This was the situation, as we understand it, when Mr. Solicitor Wilson arrived in Chicago and ordered that the trials should be proceeded with, against the better judgment of the distinguished counsel in charge. It is for this reason that we say Judge Bangs and his associates are to be especially commended. They are to be commended because in the course of the administration of justice they have seen fit to disregard altogether the unwarranted interference of a subordinate of the Treasury Department by declining to prosecute within reasonable expectation of conviction. Messrs. Wadsworth and Ward have been long and favorably known in this community, and public sentiment had long since acquitted them." Another journal said,—“The Munn trial was, in effect, the trial of their cases. Jake Rehm was relied upon as the main witness against the three. To have put him on the stand again would have been a species of subornation of perjury. Judge Bangs was true to his duty as a prosecutor for the Government when he moved for a *nolle prosequi* in the two remaining cases, and Judge Blodgett could hardly have done otherwise than order the motion entered. If any remaining case really turns on the testimony of Jake Rehm, it should be dismissed. A perfectly innocent man might have fled in terror from Rehm's tongue. It required remarkable courage on Colonel Munn's part to stand trial." Still another paper said,—“This action of the government counsel in dismissing the indictments against Ward and Wadsworth will meet with universal approval under the circumstances. They had no evidence against either of these gentlemen except that of Jake Rehm, and the Munn trial abundantly demonstrated that neither the public nor a jury would accept his story as true. It would

therefore have been a useless task to have gone on with the other trials depending upon the same evidence, and the result would merely have served to demoralize the administration of justice in the Federal Courts so that, as one of the counsel was heard to say, 'it would be eventually impossible to convict a counterfeiter with the tools in his pockets.' If the government counsel are open to criticism, it is from lack of sagacity in going to trial in any case on Jake Rehm's story, which was repugnant to the common judgment of those who have known him."

It was a noticeable fact very early in the history of these prosecutions that there did not seem to be so great an anxiety to punish really guilty men, against whom the evidence was overwhelming, as to implicate by the testimony of these guilty parties men of official and political prominence. This was observed by Mr. Tutton while in Chicago. He stated before an investigating committee at Washington that at an interview between himself, Treasury Solicitor Wilson, the District Attorney, and the special government counsel, Messrs. Dexter and Ayer, he was instructed to procure evidence against Ward and Wadsworth, the Solicitor saying, "After they are indicted there will be plenty of people to give you evidence against them. The main thing is to get them indicted." It was even suggested that, as Rehm and Hesing were political men, and backers of Congressman Farwell and Senator Logan, an effort should be made to hunt up evidence against these two latter gentlemen. Mr. Tutton declined to act in the matter from a political point of view, believing that the sole purpose of the government should be to establish the guilt of the actual offenders, and punish them. The eagerness to indict Senator Logan and other prominent officials was clearly demonstrated by the evidence taken before the Congressional investigating committee, and it was also conclusively shown that the guilty distillers, gaugers, and store-keepers were to be used as witnesses for that purpose. Mr. Ward stated that the question of immunity was raised before he went out of office, and that Mr. Bluford Wilson, in talking about it, said there were several men to implicate whom he would be willing to grant these men immunity. He referred to General Logan, Mr. Farwell, and Mr. Frank Palmer. "He said that he believed Logan was the mover and backer of this ring, and that

he and his agents and appliances were the life of it." The question was put to Mr. Ward, "Did Wilson say in your presence, 'Damn the evidence?' Mr. Ward replied, "He said, 'Damn the men;' that the people were afraid of them now; indict them, and there would be lots of people ready to come and peach on them—to blow upon them. I said to him I did not believe that was good practice. He confined his denunciation chiefly to Logan and his friends. Farwell's name was not often used in my presence, for the reason that I had some words with Mr. Wilson on the subject. I told him that Mr. Farwell was a friend of mine of many years standing, and that I did not believe anything of the kind against him." A newspaper correspondent at Washington also testified to a conversation he had had with Mr. Bluford Wilson, in which the Solicitor expressed his confidence that he would succeed in indicting Senator Logan.

Mr. Tutton subsequently laid the whole matter before the President, and gives the following narrative of what occurred:—"I said to the President that it might be good policy, though I doubted it very much, and at any rate if that policy was to be carried out, of letting thieves who had stolen hundreds of thousands of dollars, which we could prove against them, go free and be relieved from punishment, no man in the revenue service was safe; that these men who had been committing perjury right along, both distillers and gaugers, month after month, would swear anybody into the penitentiary in order to escape it themselves. I did not want to have anything to do with matters of that kind. The President said he thought that something ought to be done to stop that wholesale bargain and sale business."

It was at this time, while the air was filled with rumors of bargains being made by the wholesale with the guiltiest members of the whisky ring in Chicago, St. Louis, and Milwaukee, that Attorney-General Pierpont wrote a circular letter on the subject to the District Attorneys in those cities. A tremendous outcry was raised because of that letter. The most vehement denials were made that any such bargains existed. The President and the Attorney-General were both denounced as being in the interest of the whisky ring. The parties with whom these alleged bargains were made zealously denied them under oath. The government counsel denied them. Mr. Tutton was charged with

interfering with the officers of the law in their righteous efforts to put down the whisky ring, and his removal was threatened. A telegram from Secretary Bristow to Mr. Tutton was published, denying that there was any truth in the statement. Mr. Storrs, who attempted in court to urge that such bargains had been made, was summarily stopped by the presiding judge; and yet, until he received his commission as special District Attorney for the disposal of the Chicago cases, not one of these guilty parties was ever called up for sentence, and they then claimed that it was because of an agreement that they should not be.

In the summer of 1876 Mr. Storrs was appointed special District Attorney for the purpose of closing up the cases against the Chicago whisky ring operators still remaining on the docket. Believing that his clients, Rush and Pahlman, had been wrongfully convicted on the testimony of perjured informers, he had naturally a strong feeling and desire to see that if the other parties against whom suits for civil penalties had been instituted were made to refund to the Government their ill-gotten gains, the worst offender of all, as he judged Mr. Rehm to be, should in particular be compelled to disgorge. But the special purpose of his appointment, and the end which he was most anxious to accomplish, was to fix the responsibility for the extraordinary bargain entered into between the government counsel and the culprits under indictment where it properly belonged, and to relieve the President from the odium which had been attempted to be cast upon him in connection with this discreditable transaction. With this end in view he endeavored to perfect record evidence as to the actual terms of the bargain and the authority on which such bargain was made, and to have this evidence spread upon the records of the United States Circuit Court. In a letter to Attorney General Taft, dated August 29, 1876, he reports the result of an interview with District Attorney Bangs as to the course to be pursued in regard to the disposition of the whisky cases still remaining on the docket. In that letter he said:

"The Judge at first seemed to think that the facts with reference to the promised immunity were already sufficiently well known; but after calling his attention to the consideration that there was no recorded evidence, and that the testimony before the Whisky investigating committee at Washington was exceedingly conflicting upon that point, he agreed with me



that it was desirable that, upon the disposition of the cases, evidence either by way of affidavits regularly filed in Court or by the examination of the parties under oath was important, in order to ascertain just what the immunity was, and to what extent it was to be carried, and with whom the agreements were made, so that the Court might be enabled to act intelligently and justly in the final disposition of the cases. He agreed with me that if the facts showed an agreement for absolute immunity from punishment, the indictments should be dismissed, and he also agreed with me that the entry dismissing the indictments should recite the grounds upon which the entry itself was made. I urged upon Judge Bangs the importance of an immediate disposition of these cases, and he agreed with me that they might as well be dismissed under proper showings at Chambers as elsewhere."

Mr. Storrs accordingly had the affidavits of the representatives of the "first batch" taken and filed in the United States Court, setting forth the terms on which they were granted immunity; and it appeared from these that a very liberal discretion had been allowed by the Department to the District Attorney and his special assistants in dealing with these informers. Upon reading and filing those papers, an order was entered in each of the cases, in which the facts were recited as Mr. Storrs had suggested; and thus that list of cases was disposed of, very little to the satisfaction of the general public or to the credit of the government, but to the complete refutation of all pretences that the President was in any way responsible for the extraordinarily lenient way these culprits were treated. The order dismissing the indictments sets forth that "it was agreed between the counsel for the above-named defendants on the one part, and Hon. Mark Bangs, the U. S. District Attorney for the Northern District of Illinois, and Hon. Wirt Dexter, Benjamin F. Ayer, and L. H. Boutelle, special assistant District Attorneys, on the other part, that in case the said defendants should divulge the facts within their knowledge as to the alleged whisky frauds fully and fairly, and turn State's evidence, they should have among other things complete immunity from punishment by fine or imprisonment, and from any criminal liability on account of any matters set forth in said indictment, or which might appear against them by reason of any disclosures which they might make." The entire responsibility, therefore, rested in the first place with Secretary Bristow and the solicitor to the Treasury, Mr. Bluford Wilson, who authorized, and next with the District Attorney and his assistants, who made

the bargain. In a letter to the President just after the dismissal of these cases, Mr. Storrs said :

"Yesterday morning the parties appeared before Judge Blodgett in chambers. Messrs. Swett and Smith filed their affidavit, which was endorsed as true by Judge Bangs, and an order, which I had prepared, was entered, dismissing the indictments. I send you herewith copies of the statement and the order. Thus we have finally reached bottom, and the truth has at last come to light and is of record. We have not yet the *whole* truth. I have insisted that upon the claim for immunity from civil liability, I must have the facts at first hand. The agreement was originally made between Gholson G. Russell, the leader of the 'squealers,' and Bristow, Wilson, and Matthews. Russell is now in Colorado. He has been telegraphed for, and his affidavit showing up this whole business will go upon the files. This will, of course, make most interesting reading. Mr. Swett made an elaborate statement justifying the course which he had pursued, and also justifying the action of the government counsel. It is enough to say as to that, that Tutton clearly shows that the proof was conclusive against all these men. However, it does appear from Swett's speech that the trade was opened and practically concluded at Washington."

In this same letter, Mr. Storrs urged the pardon of the "second batch," who he thought had been harshly treated.

"I have been beset," he said, "by many Republicans who were at first disinclined to take any steps towards securing pardons, for immediate action in those cases. As matters now stand we must expect to lose the German vote. They say the government has carried out its agreement with the great thieves; why should it not at once carry out its agreement with the comparatively innocent men now in jail? There is no answer to this. There can be no answer to it. The agreement was clear and unmistakable that they should all be treated alike, and the mere announcement, so that it can be authoritatively used, that the pardons had been granted for all, which is the clear line of justice, would do us incalculable service. Of course, I am not to be understood as arguing immediate action on political grounds; but—there stands the agreement with these men on the one hand violated, and the agreement with the 'first batch' carried out in all its details. Hising's pardon should be simultaneous with the others, because then all chance of saying that it was the price paid for political advantages would be removed. If he is pardoned when the rest are, and on the same conditions and for the same reasons, to wit, that the agreement under which he pleaded guilty was the same as that made with the other parties, all cavils of this kind are put out of the way, and it stands on the strong and solid foundations of absolute truth. These men are all hopelessly ruined, and *now* feeling begins to run so strongly in their favor that the danger is that they may come to be regarded as martyrs."

This letter had its due weight, and the pardons were shortly afterwards granted. Mr. Storrs next turned his attention to the prosecution of a civil suit against Jacob Rehm, for a penalty amounting to one million dollars, or double the amount of which he was claimed to have defrauded the revenue. Rehm's counsel claimed that his exemption from civil liability, while not included specifically in the agreement made with him, was a fair inference from the fact that he was used as a government witness. Judge Bangs was not a party to the agreement with Rehm, and at first was inclined to agree with Mr. Storrs that the immunity extended to him from criminal punishment did not relieve him of his civil liability. Mr. Storrs held that Rehm's testimony had not been of the slightest service to the government; that in any event, the immunity granted to him was on condition that he should testify "truthfully, fully, and fairly," and that Rehm had not done this; and that therefore the government was not bound by the agreement as to immunity, even if it specifically covered Rehm's civil liability. He prepared an elaborate argument reviewing the whole question, which was submitted to Attorney General Taft, eliciting the following reply:

"I have received your letter of the 3d inst., covering your opinion in the Rehm case. I have carefully read the opinion, and am pleased with the argument you make upon the points in the case, and concur in your conclusion.

"Very respectfully,

"ALPHONSO TAFT, Attorney-General."

While the civil suit was pending, Rehm was called up for sentence in the District Court, and the light penalty of six months' imprisonment and \$10,000 fine imposed upon him by Judge Blodgett. A pardon was speedily obtained for him on the recommendation of Judge Blodgett and the District Attorney.

His counsel then filed a motion to dismiss the suit against him for the civil penalty, basing it upon the alleged immunity and the pardon. While this motion was pending, they made a strenuous effort to secure a dismissal of the suit through the Department of Justice. Against this course Mr. Storrs protested, and in a letter to Attorney-General Devens stated his views fully, concluding as follows:—"I have seen no reason to change the opinion expressed by me in the document submitted to Judge Taft, and notwithstanding all that has been or may be said to the contrary, do not believe that the prosecution of this suit

against him involves any breach of faith with him. Success in this case,—so conspicuous is the case, and so prominent has Rehm been among the large brood of local and machine politicians—would in my judgment be productive of the most healthful and salutary results.”

Attorney-General Devens wrote to Judge Bangs instructing him, in connection with Mr. Storrs, to submit to the Court the question whether the arrangement between the counsel for the Government and Rehm's counsel was such as to impose upon the Government the duty, as a matter of honor and good faith, of dismissing the suit. “If the court,” he said, “shall find this question affirmatively, or ‘shall upon’ the hearing of the evidence so advise, you will dismiss the suit. I write this with the approval of the Secretary of the Treasury.”

Mr. Storrs had previously recommended that this question be submitted to Judge Drummond, in a letter to Attorney-General Devens in which he said:

“There is not in the Northwest a judicial officer who commands such universal respect, confidence, and esteem as Judge Drummond. In no hands will the interests of the government be more secure, or the rights of the accused more conscientiously guarded and respected than in his. The trouble is, as I think, that the counsel for Mr. Rehm are very certain that before Judge Drummond this motion will be denied. I have every confidence that it will be denied, and that too not merely upon technical grounds, but upon the justice and fairness of the whole case. The extreme reluctance of Rehm and his counsel to confront Judge Drummond does not grow out of any doubt of the ability and integrity of the man, but from an entire lack of confidence in the case which they will present to him. I am justified by the opinion of ninety-nine out of a hundred of our citizens in stating that Rehm's testimony was in many material particulars grossly and absurdly false. The pretence that he is entitled to civil immunity was never thought of until after this suit was brought. The fact is, neither his counsel nor the then representatives of the government had thought of his liability under section 3296, and their attention had never been called to it; and I undertake to say that, placed upon the stand and subjected to a cross-examination, not one of the counsel for the government will testify that they supposed when they were trading with Rehm that they were relieving him from a pecuniary liability to the government of over one million dollars. I think we have a right to a fair trial of that question, together with the other question as to whether he testified truthfully, fully, and fairly, not by *ex parte* affidavits, but by an examination of the witnesses in open court. If upon such a test, Rehm should make a case, I certainly would make no protest against any result which might legitimately follow from it.”

The former government counsel, nevertheless, did go upon the stand before Judge Drummond, and were closely cross-examined by Mr. Storrs; and, contrary to his expectation, they did testify as to the bargain made with Rehm in such a manner as to leave Judge Drummond only one duty to perform. He reported his conclusion to District Attorney Bangs as follows:

"I have considered the case of Jacob Rehm, now under prosecution by the United States for a money penalty for violation of the Internal Revenue law, in view of the testimony heard before us to-day. An indictment under the Internal Revenue law was found against him at the December term A. D. 1875; and while it was pending, a proposition was made by his counsel to the counsel of the government, that he would fairly and truly communicate all he knew as to offences against the Internal Revenue law, and would in the same spirit testify as a witness for the government in any prosecutions for its violation. An interview accordingly took place between Messrs. Lawrence and Campbell, representing the defendant, and yourself and Messrs. Ayer, Dexter, and Boutelle, representing the government. The result was an agreement that Rehm should plead guilty to all the counts of the pending indictment, and carry out in good faith the proposition made through his counsel, and that the government should not insist upon a certain punishment. All of the terms agreed on by the counsel of the respective parties touching the indictment and its contingent penalties need not be mentioned, as that proceeding is terminated, and no question arises on the subject. The only controversy is whether it was a condition made by the defendant and accepted by the government that he should receive immunity as to all penalties other than what might be considered strictly criminal, for offences committed by him against the Internal Revenue law, and for which he would be liable to a money penalty merely. It does not appear that such immunity was expressly mentioned, or promised by the counsel of the government, at the interview named; but it is clear from their statements that the counsel of the defendant understood it to reach that extent, and to constitute a part of the contract made between the parties. Had they the right to assume that this was necessarily implied from all the circumstances of the case? I think they had. This is admitted by three of the counsel representing the government. It is of more importance to the public interests that all agreements of this kind should be carried out in good faith by the government, than the possible success of a prosecution for a money penalty against the defendant. That the defendant fulfilled his part of the agreement is not questioned by the counsel. I think, therefore, that the government ought not to continue the prosecution now pending against the defendant for a money penalty for a violation of the Internal Revenue law."

Upon this finding, the District Attorney, in accordance with his instructions, dismissed the suit.



## CHAPTER XXIV.

### THE CAMPAIGN OF 1876.

RATIFICATION MEETING IN CHICAGO—COLORLESS CANDIDATES—SPEECH AT AURORA, ILLINOIS—THE RECORDS OF THE REPUBLICAN AND DEMOCRATIC PARTIES COMPARED—THE ST. LOUIS PLATFORM, WITH ITS SOPHISTRIES ABOUT REFORM, CENTRALISM, AND DEFALCATIONS—THE FINANCIAL ADMINISTRATION OF THE REPUBLICAN PARTY—REDUCTION OF TAXATION AND EXPENSES—TILDEN THE FRIEND OF TWEED—SPEECH AT DETROIT—REVIEW OF THE DEMOCRATIC PLATFORM AND TILDEN'S RECORD—SPEECH AT FREEPORT, ILLINOIS—RECORD OF THE DEMOCRACY—ENFORCING THE CONSTITUTIONAL AMENDMENTS—A NEW APPLICATION OF THE PARABLE OF THE PRODIGAL SON—WHERE TILDEN WAS DURING THE WAR.

THE result of the Republican National Convention, which met at Cincinnati in May, 1876, and nominated Hayes and Wheeler, was as much of a disappointment to Mr. Storrs as it was to the majority of the party throughout the United States. In common with them, he would have preferred a known leader at the head of the ticket; a man who was stalwart in his convictions, and who could give effect to the demand of the party as expressed in the platform of 1876, for the vigorous and continuous exercise of the powers of the Federal Government until all classes were secure in their civil and political rights. How Mr. Hayes would carry out this programme was entirely a matter of conjecture, as he was almost without a record when he unexpectedly rose into the most prominent place before the nation. Always ready to subordinate his personal preferences to the interests of the party, however, Mr. Storrs took a vigorous part in the campaign, and stumped Mr. Hayes' own State in his behalf.

A ratification meeting was held in Chicago shortly after the adjournment of the Convention, and Mr. Storrs addressed the Republicans there assembled as follows:

"As I look about on this platform and in the body of this very fine hall, I see many of the most conclusive evidences of the wisdom of the Republican Convention which has recently been held at Cincinnati in the nomination of Hayes and Wheeler. I see many of my good old Liberal friends returned to the Republican fold. [Applause.] I welcome them back. [Cheers.] I am sorry that they ever left—I am glad that they have returned. [Cheers.] My friends were foolish, but after having learned that the adventure of the Prodigal Son always results in a husk dividend [laughter], it is to be hoped that in future we will stand together as we do to-night, and as we will in the canvass upon the threshold of which we are just standing. We will come to the conclusion that the Republican party is strong and virtuous enough to effect its own reforms, and that one of the poorest methods on earth to reform the Republican party is by voting the Democratic ticket. [Cheers.] I think it is well for us to be here. I know, after the nomination is made, no distinctions between men and individual preferences, and I was glad to hear from my brother Smith, who has been for so many years an ardent and enthusiastic Republican, that the nomination of Hayes and Wheeler has secured to us without question the vote of the Bristow Club. [Cheers.] There was never any danger about the Blaine men, nor the Conkling men. [Laughter and cheers.] Nothing was ever said in better part, and I see you have taken it in good part. [Renewed cheers.]

"I ratify the nomination of Hayes and Wheeler, of course, because they are both good men, because they are both fit men, because they are both men unassailed and unassailable, and, gentlemen, I ratify the nomination of Hayes and Wheeler for another reason—because they are the Republican nominees. [Cheers.] I would not vote for Hayes or Wheeler, or any other man running on a Democratic ticket. I have that confidence—that sublime and perfect confidence—that in a tight place and in a delicate position, the Democratic party will do the wrong thing as a party,—that no nomination that they could possibly make could combine in itself virtue enough in the candidates to overcome the inherent cussedness of that great aggregation of men. [Cheers and laughter.] I am for the Republican nominees because the Republican party is as good as the nominees [laughter]; because, taken as a great mass, it represents the loyal sentiment and the patriotism and the honest desire for reform in this country. I believe that the Republican party, as a party organization, with all its mistakes, with all its errors, and with all its shortcomings, has within itself to clean the Augean stable, to elevate our civil service, and to march all the time, if not a little ahead, fully abreast of a wise and honest public sentiment. [Cheers.] When the Republican party ceases to be a party of movement, and forward movement, it will cease to be the Republican party. It was a party organized not for a day, but for all time. It takes things as it finds them, but it never leaves them as it finds them. It found 4,000,000 of chattels—it has made 4,000,000 of voters in their place. [Cheers.] It found a great nation, the hope of civil liberty all over the globe, struggling in the

arms of a gigantic rebellion, and it carried it safely through its flaming perils, and has guaranteed to our Republic the eternity of success and glory. [Cheers.] It found a depreciated and almost exploded currency, and a crippled national credit. Steadily and persistently it began eight years ago to denounce the fraudulent conception that our national debt should be paid in greenbacks; it has never swerved a moment from the course it then took; it has pursued it unceasingly ever since, and it will never abandon the question until the word of the United States finds its redemption in coin, in the currency of the world. [Cheers.]

"I agree thoroughly with what your President has so well said as to the demands of the people. I go a little further than my good friend Mr. Larned. It is impossible that all the reforms which the people demand shall be wrought out by the election of Hayes and Wheeler, or by that of anybody else. Their election is simply the expression of the public will that there shall be a reform. An honest man standing at the head of the Government and backed up by a constituency which has a lack of moral sympathy with him is as helpless as a baby. But it is because we have a leader fit for the party and a party fit for the leader, that reform is not only possible, but is easy. I cannot forget our party and its greatness and its glory. I would as soon tear from my heart the recollection of my old home, the dearest thing of my life, as to forget the glories of the great party with which I have voted from the time I was a boy. I approve and ratify these nominations, because they represent the average sense and the best matured judgment of the whole people of the whole country. It was wise policy, because upon that altar there is laid every bitterness of feeling, every animosity, and every heart-burning engendered by that long and great Convention. The inference is that the men Morton and Conkling and Blaine and Bristol are buried out of sight, and the old Republican party that has carried the banner of the nation since 1860, stronger than ever, united, and without a dissenting voice, is as sure of triumph as the sun is to rise at dawn to-morrow. [Cheers.]

"It has been my habit in looking at political questions, when I was in doubt as to the best course to pursue, to see what the Democratic party desired, and then select the opposite. [Laughter.] I am perfectly certain that we have followed the wisest course, because the nomination of Hayes and Wheeler has unlimbered their every gun, and demoralized the crowd. They must seek for a great unknown, but, Mr. President, there is one thing that is known, and that is the Rebel record of the party which the great unknown must head. The past of their career weighs down upon them like a mountain load, and no man, snatched from any obscurity however great, can carry that record forward safely, and triumph in the face of the united Republicanism of the nation which we see to-day.

"I observe that they say that our candidates are colorless. Good. It is probably because their garments are absolutely white. There is no genius for plunder, no audacity for rings. We belong to that party which to-day has an infinitely profounder belief in the goodness of God than it

ever had in the dexterity of the Devil. Our party platform is so clear that everybody understands it. Reform in administration; not work to be accomplished by a spurt; one election does not achieve it. The army capture an outpost, but the citadel of corruption for which our party is not responsible—of that corruption which began and gathered strength a quarter of a century ago—will never surrender without the most unwearied, patient, and persistent exertion. Every man—every private in the ranks—can contribute his mite in that direction. A reform of our civil service; how, and exactly by what method, we will tell by one experiment after another, if experiment be necessary, until the result be achieved. An honest currency, the redemption of our promises to pay in coin by the fulfilment of the national engagements,—these are the principles upon which the Republican party stands to-day, absolutely unchallengeable, and they commend themselves to the good judgment and the loftier patriotism of the whole people.

“This nomination has been received by no sudden outburst of enthusiasm, no gush, no gust, such as sometimes goes out, but take my word for it that it will grow every hour and every day, and every week as the campaign lengthens out and as the summer comes on, as the Democratic candidate and the party—whomsoever that candidate may be—shall be before us to be riddled, we will find that the Convention at Cincinnati, disappointed as thousands of us were even, worked for the best in the nominations which it had made.

“Fellow-citizens, honest men, of experience in public affairs, we can ask nothing more, nothing better; and, united once again, Liberals, Independents, and altogether, as in the good old days that are past, we will roll up, when the November election comes, such a majority for the Republican ticket as will gladden the friends of good Government all over the globe. [Loud and prolonged applause.]”

On the 14th of July, he addressed a large and enthusiastic meeting at Aurora, Illinois, and criticised very keenly and minutely the sophistical platform which the Democrats had adopted at the St. Louis Convention, and which Mr. Storrs characterized as “the cheekiest platform ever witnessed in political history or literature.” The concluding part of his speech was devoted to a telling review of Mr. Tilden’s record. Mr. Storrs spoke as follows:

“It has been my pleasure, for every political canvass of any national importance since 1861, to address the Republicans of this growing and this very beautiful city, and, I by no means feel that I am among strangers, for as I look about I see those whom I saw on the first occasion I ever visited Aurora, who have stood with me during those long and terrible years of the war. I see those who never faltered when dangers of the most serious character threatened us. I see those to-night who, after the war had closed, were as resolute that the fruits of our victory should be gathered and garnered as they were that those effects should

be, in the first instance, achieved. I see those who have always been Republicans ever since there has been a Republican party, and who always will be Republicans as long as there is a Democratic party. When I am asked, as I sometimes am, how long the Republican party will live, I say it will live at least one election after the final and eternal death of the Democracy [loud cheers],—for so long as the Democratic party keeps above ground and exhibits any signs of vitality, so long is the existence of the Republican party a military necessity. [Cheers.] It will not—this Democratic party—always endure, for we are a great evangelizing and missionary agency. We began the good work of converting that party in 1860, and we have been pursuing that purpose steadily and persistently and unwaveringly ever since. Thousands and hundreds of thousands of those original Democrats have been converted to Republicanism and are now safely within the ample folds of the Republican party.

“Ever since 1860, gentlemen, the Democrats have been just four years behind us. In 1864 they practically adopted our platform of 1860; in 1868 they adopted our platform of 1864; in 1872 they adopted our platform of 1868; and in 1876 they have adopted our platform of 1872. It works well. [Laughter.] It is a hard pull; it is a long pull; it is a strong pull. They are obstinate, but so thorough is my belief in the power of truth that I think Mr. Harrington and John Farnsworth may 'be again both back in the Republican fold. [Cheers and laughter.] Speaking of conversion, just think of it: the Democratic party is opposed to stealing. [Laughter.] In 1876 this party, whose record is one of the most stupendous and gigantic larcenies ever charged up against a political organization, solemnly declare that they are opposed to larceny. [Renewed laughter.] It is possible, it is probable, that there are members of the Republican party who have individually been guilty of corrupt practices; but, on the general question of stealing, the impounding of a keg of nails or a bolt of cloth, is a very small affair, my good friends, when compared with the running off with a whole nationality. The Democracy undertook to steal the Government of the United States; Belknap traded in a post-tradership situation. Why, we might keep on industriously in the line of stealing Belknap pursued until the crack of doom, and the Democracy might stop to-day, and there would be a large margin yet left in our favor.

“They complain of us that we are waving the ‘bloody shirt,’ that we will not let by-gones be by-gones, and that we are continually singing the same old song, and making the same old speeches. It is unfortunate that it is so, but the misfortune arises from the fact that it is necessary it should be so. When one of my dear, deluded Democratic friends says, ‘For God’s sake, why don’t you stop talking these same old things?’ I say, ‘For God’s sake, why don’t you stop being that same old party?’ [Cheers.] We must talk about the antecedents and the history of the Democratic party, because the party of to-day is the same party, identical in material, identical in its membership, identical in its spirit, identical in its traditions, identical in all its purposes—the same old party that declared that the great



chart of American liberties was a glittering generality, that scoffed at patriotic feeling as a delusion and a sham, that asserted the right of secession, that involved this nation in rebellion the most stupendous in its purposes that the world ever witnessed, that obstructed the fair and patriotic reconstruction of these States, that attempted the repudiation of the national debt and the destruction of the national credit. [Cheers.] It is the same old party that has been guilty of all these crimes and offenses, and the men who now make up that organization, and give it tone, and character, and life, and the vigor that it possesses, are the individual men who have been guilty of all those political offenses which ought to have consigned them to eternal political oblivion. [Loud cheers.] In the nature of things the Democratic party must expect to face its terrific record. It comes once every four years before the people of this country, and demands their recognition and confidence. It certainly cannot demand the confidence of this people by what it proposes to do in the future, for it is necessarily a party of violated promises and broken faith. It cannot demand the confidence of this people by what it has done in the past, for its career has been a blood-stained and destructive career. [Cheers.] The Democratic party comes before the people of this country to-day and asks that it shall have the management of our national debt, the control of the national finances, and be intrusted with what it calls the reform of both. It makes loud and lofty promises of its performances in the future. But as wise men, as absolutely unimpassioned men, if such a thing were possible in the presence of questions so great in their magnitude—as wise men, I say, we must take you, not by the assurances you make to-day, but by your performances in the long past which stretches behind you.

“Understand, my friends,—and I am not finding fault with the Democratic party,—that they complain of us that we persistently attack their record. If we had such a record as theirs wouldn't we be anxious to bury it? If they had such a record as ours wouldn't they be anxious to exploit it? If behind us were blighted faith, violated honor, ruined homes, ruined credit, wars, rebellions, treasons—if that was the record that this Republican party had made, we would deafen our ears and call upon the mountains to fall upon and bury us rather than hear it denounced or commented upon. But the Republican party glories to talk of its record,—it is a glorious record to talk about,—and the Democratic party hides its head when it is mentioned, because it is a record in the presence of which every patriotic head ought to be bowed. The party has not changed; its character has not changed; its membership has not changed. It is a question beyond and infinitely above the mere personal characteristics of the men placed in nomination.

“You are here to-night to ratify the nomination of Hayes and Wheeler. Their nomination was wise. It is a nomination which combined all the elements of the Republican party. It brought the Liberals back home. It brought the Independents back home. If there are any Liberals or Independents here to-night who wandered off with Greeley in 1872, I say to them, ‘We open wide the door; we bid you welcome, only don't do so any

more.' [Laughter and cheers.] If, my friends, you desire to reform the Republican party, don't, for Heaven's sake, try to do it by voting the Democratic ticket; it is the poorest way in the world to attempt anything of the kind. You are all back, safely housed in that glorious old Republican temple, the walls of which are decked with the most heroic achievements of the past century, with a record that is as enduring as time, and history will never willingly let die—that splendid temple whose dome is lifted even among the very stars, and whose foundations are as secure as the eternal rocks—you are back again within it, and see that no inscription ever goes upon those walls, that nothing is emblazoned thereon, except such as can shine along with the deeds that already adorn it. [Cheers.]

"We are to-day a united, a powerful, and—I feel it in the air—a victorious party. It is the same old organization, with the same old patriotic fire and nerve that has carried this great nationality through the Rebellion and saved it. It is the same party that faced the results of its own logic as courageously as the young David of old faced the great Goliath. It knew in its early days—and it knows to-day—neither 'variableness nor shadow of turning.' It found the negro a slave, it made him free. Making him a free man it made him a citizen. Making him a citizen it clothed him with all the rights and privileges of citizenship, even unto the power of voting. True still to its trust, what it said in 1868 it said again in 1872. No talk about negro equality or competition could frighten it; and to-day we have through the agency of the Republican party a nationality—not a mere aggregation of States, but a nationality, the United States of America, powerful enough and always willing to protect the poorest and meanest of its subjects even in the remotest quarter of the globe when his liberty is assailed. The old party said, 'The men whom we have made free men, citizens, voters, we will protect, if the States in which they live will not protect them. If the States in which they live will not protect them this General Government, which we call the United States of America, will protect them.' And that promise the Republican party of the United States with the help of God proposes to keep. Down to to-day we have come. The great debt, which hung like an incubus upon us, is gradually melting away—taxation reduced, coming back by slow degrees, but sure, nevertheless, to the good old times when the basis of our currency was specie. We may look with the most perfect and absolute confidence that at no very distant period of time, with the debt placed beyond all doubt, the integrity of the nation thoroughly vindicated, its faith absolutely approved, our currency recognized all over the globe, good times come again, spindles turning as they were before, mills in full blast, business prospering, no bond-man on the soil of the Republic—at no very distant day, all these splendid results we may look upon as the natural outcome of the policy of the Republican party.

"The Democratic party have had a convention in the City of St. Louis. I need not describe it to you, but at the expense of being possibly somewhat tedious permit me to suggest that we stand at the very threshold of the canvass, and it may be well for us to read the St. Louis platform, or

portions of it. The platform of the Democracy says: 'We, the Democratic delegates—.' It is important to get that in, for page after page, and page after page follows in denunciation of the Republican party and in the demand for reform. When you read volumes of denunciations you inquire, 'Who is it that denounces?' When you read volumes of clamor for reform you naturally inquire, 'who is it that is clamoring for reform?' If it turns out that the name of Judas Iscariot is signed at the bottom of the paper, and he demands the utmost fidelity to sworn engagements and sacredness of trust, you say, 'Such a demand, proceeding from that source, is probably hollow.' When you read a platform headed, 'We, the Democratic delegates,' congratulating the nation on its freedom from the perils of civil war, and demanding reform, etc., you say, 'That is as cheeky and impudent as the proclamation of Judas would have been—it would 'pale its ineffectual fires' before such a document as this.' [Cheers.]

"Now, what do 'We, the Democratic delegates,' say? They say: 'Reform is necessary to rebuild and establish in the hearts of the whole people of the Union, eleven years ago happily rescued from the danger of a secession of States.' 'We, the Democratic delegates,' two-thirds of whom were in favor of the secession of States, one-half of whom fought that that secession of States might succeed, get together in national convention in St. Louis, and say that 'reform is necessary to rebuild and establish' a nation 'happily saved from the perils of secession!' which they undertook to inaugurate and carry out. [Loud cheers.]

"Is further comment necessary on that? Is further comment possible? Let us go a little further. As Squeers says, 'Here is richness.' [Laughter.] What have we next? 'But now to be saved from a corrupt centralism.'

"Can anybody tell me what that means. Now, if centralism is something very bad, I am opposed to it; if it is something very good, I am in favor of it. If it is something about between the two, I don't take much interest in it. But what do they mean by 'corrupt centralism'? Precisely this: 'We the Democratic delegates, we Ben Hill, we Fitzhugh Lee, we Henry Clay Dean, congratulate the country upon its happy rescue from the perils of secession,' and insist upon it that this 'corrupt centralism' must cease to be. This corrupt centralism, my friends, is this: It is that inner power which inheres in the General Government, which is to that extent central, which whipped eleven States back into their traces. This 'corrupt centralism,' is that central power which I call the Government of the United States—this great nation, not like a lot of marbles in a bag that touch, but do not adhere, but 'distinct like the billows, and one like the sea.' This centralism is our national heart and existence itself. It is that centralism which, while with its strong right arm it bound up 3,000 miles of sea-coast in rebellion, sent its hundreds and thousands of conquering legions to the South, and vindicated our national existence, at the same time with its left scattered all over the North all the blessings of a time of beneficent peace.

"'We, the Democratic delegates,'—let me not miss it—hope to be saved from 'corrupt centralism.' It is the same centralism which, after the war

had closed, had the courage to say, 'This war was not a joke; it has cost us \$3,000,000,000 and 500,000 lives; it was a gigantic trial of strength between ideas, and the idea for which you have fought has been beaten in the last court to which you can take a contest—the arbitrament of war—and it must perish. Your doctrine of State Rights is buried,—your right of secession is buried with the sword and gun with which you fought.' It is the same centralism which said 'We cannot afford, we will not afford, to place this nation in peril again, but way down in the very fountains, buried in the Constitution, where the freaks of a Confederate Congress cannot reach it, we will secure the fruits of this contest where they will be safe for all time to come.' That is the 'corrupt centralism.' [Loud cheers.] It is the 'corrupt centralism' which took 'we, the Democratic delegates,' by the throat in 1864 and choked them into silence and submission. It is the 'corrupt centralism' which met the infamous proclamation in 1868 of the repudiation of the national debt and annihilated it. It is 'corrupt centralism,' made up of this loyal nation, North and South, which proposes that every engagement shall be kept and every national promise faithfully performed.

"But let us go on with the platform. When the platform ceases to be ridiculous, it will become false, as I will show you. 'We, the Democratic delegates,' further say 'reform is necessary to establish a sound currency.' What does that mean? Don't they like our currency? Do they want to abolish the greenback and go back to the State bank system? Do they want to abolish the National Bank note? The currency is sound enough; nobody complains of that. The simple question is as to the time and manner for the resumption of specie payments. But we will go a little further. 'We denounce,'—here it comes again. 'We the Democratic party,'—'the failure.' That has a familiar sound. In 1864 I remember Mr. Tilden denounced another failure. For instance:

*'Resolved, That this Convention does explicitly declare as the sense of the American people, that after four years of failure,' etc.*

"So you see that is a favorite word with them. In 1876 they 'denounce the failure for all these eleven years to make good the promise of the legal-tender notes, which are a changing standard of value in the hands of the people, and the non-payment of which is a disregard of the plighted faith of the nation.' Then again, 'We,'—the Democratic delegates—'the financial imbecility and immorality.' The Democratic delegates talking about financial immorality! What in the name of all the gods are we coming to when the people of this country are to learn lessons of morality from the Democratic party? 'We—the delegates of the Democratic party in National Convention assembled,'—'we denounce the imbecility and immorality of that party which during eleven years of peace has made no advance toward resumption and no preparation for resumption.' The simple trouble with this is that is just as false as it can be. That is all there is about it. What, my friends, has been the trouble with this business of resumption? 'We, the Democratic delegates,' shut their eyes absolutely to the whole history of the past, and denounce the Republican party, because for eleven years it has made no preparation for resumption, and taken no step toward it. What



have they done? In 1866, again in 1868, going into a national canvass they demanded the payment of the Government bonds in greenbacks, which would not only have utterly destroyed the national credit, but would have of necessity so inflated the national currency that the resumption of specie would have been eternally and everlastingly postponed. And yet this party, with the smell of repudiation on its garments, with the recent history of the Indiana and Ohio campaigns fresh in the minds of the people, with their miserable record behind them of a steady, persistent, wilful opposition to and interference with every scheme which looked to the re-establishment of the national credit and the payment of the national debt—they denounce the Republican party for imbecility or immorality, because it has taken no step in that direction! Let us see what the facts are. What was gold in 1865? What is gold to-day? Have we made no advance toward resumption during the last eleven years? This truthful platform says we have not. Gold was in the neighborhood of 150 in 1865; it is 112 or thereabouts to-day. Is not that a long step forward? Is it not an immense stride in advance that this growing nation has taken? How is the debt? Has it taken any step forward in that direction? In the eleven years of which this lying platform speaks, this Republican party which is denounced for its imbecility and immorality, has paid the enormous sum of \$456,000,000 of the national debt. [Cheers.] Has it taken no step in the way of decrease of the expenditures? Our appropriations have been reduced from 1874 to 1875 over \$27,000,000. Our expenditures in 1866 were \$520,000,000, and in 1873 they were \$290,000,000. Gold reduced from 200 to 112: \$456,000,000 of the national debt paid; hundreds of millions of taxation removed from the shoulders of the people; our bonds largely appreciated in every money-mart in the world; and yet 'we, the Democratic delegates,' in National Convention assembled, solemnly denounce and arraign the Republican party for taking no steps towards making the promise of the legal-tender notes good! [Cheers.]

"My good friends, figures sometimes become very eloquent, and in this connection they are eloquent. Let me read a little more of figures. Our tariffs have been so that the people hardly feel the burden; every expense of the Government has been so removed that the burden is but lightly felt to-day. Our internal taxes that would have been paid in the several years had the laws remained unchanged under Grant's Administration, calculated on the basis of the taxes collected in 1868, would have been in 1869, \$63,919,416; in 1870, \$58,295,182; in 1871, \$92,726,132; in 1872, \$110,810,083; in 1873, \$123,533,307, etc. In 1877 there would have been collected on that basis \$129,700,000. This shows a saving, an absolute decrease of the taxation on an average of \$104,696,190 per year during the last eight years. [Cheers.] And yet the Republican party, which has accomplished those magnificent results, is denounced by the 'Democratic delegates' as guilty of imbecility and immorality! But that is not all. 'We, the Democratic delegates,' also say that 'reform is necessary in the scale of public expense. Our Federal taxation has swollen from \$60,000,000 gold in 1860 to \$450,000,000 currency in 1870.' I ask you, gentlemen, whose fault is it that the



expenses of this Government have 'swollen from \$60,000,000 gold in 1860 to \$450,000,000 currency in 1870?' Do 'we, the Democratic delegates,' forget the fact that \$157,000,000 per year of the expenses which this people have been compelled to bear are put upon us because of this Democratic Rebellion? [Cheers.] Yet, reading this platform, where 'we, the Democratic delegates,' demand reform, you would never dream that there had been a war; one would have supposed from 1860 down to to-day it had been a long summer day of peace, and that this profligate party, with no unusual reasons for expenditure, had run up the national expenditures from \$60,000,000 to \$450,000,000 per year, while the fact is that the political organization that denounces us because of that frightful increase upon the burdens of this people is itself the guilty cause and agent through which that increase was made a necessity. [Cheers.] It is the war that has imposed those terrible burdens upon us, and while you are sweating and groaning over them Ben Hill comes up from Georgia, and Henry Clay Dean from Iowa, and denounces the mild men of Kane County because, in putting down their rebellion, they were compelled to incur additional millions of expense. I say it is the cheekiest platform ever witnessed in political history or literature. [Cheers.] Why, I would suppose that whenever the occasion occurred you could not drive a Democrat into the mention of the tremendous burdens under which the people are laboring, for right back of us looms up the memory of this great Rebellion! Right back, fresh in our minds is the memory of the war which compelled us to raise the expenditures of the country. It is none of their business how much that war cost. Treated as they deserved to have been treated, as any other nationality would have treated them, this \$157,000,000, which the people of this country have been compelled to pay since that time as a yearly burden for putting down and crushing the Rebellion, would have been shouldered by the Democratic party and paid by them even to the confiscation of every thing they possessed.

"I suppose that in the interests of conciliation we must submit to it without murmuring; but it does seem hard that the recently-reconstructed Confederates assembled at St. Louis, and doing business under the name, style, and firm of 'We, the delegates of the Democratic party,' should denounce us because, as they say, we expended more money in putting down their Rebellion, and in whipping them back into the Union, than was absolutely necessary.

"We next come to the question of defalcations. The history upon this point is very short. One would think, from the clamor that is made, that corruption was in every branch of the public service,—that there was not an official anywhere who was not guilty either of stealing public funds or of taking corrupt money. This, my friends, you will pardon me for suggesting, is a great deal bigger nation than it was fifty years ago. We collect and expend to-day millions of money where we handled and expended only thousands half a century ago. I am one of those sanguine men who believe that this world is all the time getting better. I believe that even the Democratic party is slowly improving. [Laughter.] It is a great deal better

world, officially considered, than it was in the days of Old Hickory, it has improved since the days of Martin Van Buren, it is an immense improvement over Polk, it is a great ways ahead of James Buchanan's time. The fact of the matter is just this; There is not a first-class merchant in the City of Aurora who does not lose by little petty defalcations on the actual amount of his business a much larger sum of money than does the United States on the enormous expenditures it has been compelled to make under Grant's administration. Now I will read from an authentic report the history of all those proceedings: 'The losses on every \$1,000 of disbursements were, in the Administration of Jackson, \$10.55; Van Buren, \$21.15; Harrison, \$10.37; Polk, \$8.34; Taylor, and Fillmore, \$7.64; Pierce, \$5.86; Buchanan, nearly \$6.98; Lincoln, \$1.41; Johnson, 48 cents; Grant, the first four years, 40 cents, the second four years, 26 cents.' [Loud cheers.] That, my good friends, is the veritable record, and it is an immensely satisfactory one. [Cheers.] It is a record, however, that you would not dream of amid the clamor and clatter made about thievery in every branch of the public service.

"We are asked if we approve of Grant, and if we indorse him. I do not suddenly change my opinion of men. I have yet this to say: that when the memory of 'We, the Democratic delegates,' shall have perished in oblivion and forgetfulness, when the generations to come will have forgotten that such men ever lived, the real, solid, patriotic achievements of U. S. Grant will, growing brighter and brighter as the years wear away, make a record for him that shall be absolutely imperishable. [Loud and continued cheering.] In all this terrible storm of obloquy—and no man has ever suffered more in the frightful flood of calumny which has been poured upon us—silent, and patient, and steady has he sat, conscious that the hearts of the people beat with and for him, and conscious in his own heart that he never breathed a breath that was not a patriotic one, and never entertained a purpose, so far as this great nation was concerned, that was not patriotic as well. I pass to another branch of the Democratic platform, and I hope I am not wearying you. You have to go through all this some day, and we may as well take it up to-night. They speak of some 'false issues':

"'The false issue by which they seek to light anew the dying embers of sectional hate. . . . All these abuses, wrongs, and crimes, the product of sixteen years' ascendancy of the Republican party.'

"My Republican friends, will you stop to think of that? 'All these abuses, wrongs, and crimes, the product of sixteen years' ascendancy of the Republican party!' That carries us away back to 1860; carries us back to when many of us were boys; carries us back when the great party was new, and fresh, and young; carries us back to the time when with the watchword 'Liberty' on our banners we won our first great victory; carries us back to the time of Lincoln; carries us back to those years of trouble through which we passed; and the Democratic party, 'we the Democratic delegates in National Convention assembled,' speak of that ascendancy—the ascendancy of Lincoln, his first and second term, the first term of

Grant, the whole history of reconstruction—speak of that as a history of ‘abuses, wrongs, and crimes,’ which ‘we, the Democratic delegates,’ purpose and intend to reform! [Laughter.] And yet they say, ‘Let the dead past bury its dead—forget these old issues.’ At the same time there comes trooping up from the South, from every Confederate cross-roads, the bearer of a Confederate heart, filled full of Confederate hopes, believing that the Lost Cause is finally won, flaunting in the face of this great nation, just out of its terrible perils, the denunciation of sixteen years of wrong, outrage, and crime of this Republican party! If this Democratic party, insulting the grandest history of the nation in that charge, insulting the memory of the heroic dead and the heroic living as it does, could take some visible shape, would not the strong Republican army of Kane County, with the old nerve and vigor and its old heart back of it, feel like grinding it into powder? We can bear taxation; our treasures may be sunk into the seas, but this glorious record, which challenges the admiration of all the world, and which is the work of a great loyal people, shall not be spit upon and defiled by ‘We, the Democratic delegates in National Convention assembled.’ You cannot smite it directly, but, carrying this infamous charge in your hearts, keeping it warm on your lips, when the day of November comes, go up to the polls and say to them, ‘You, the Democratic delegates that sought the destruction of this great nation, we repel your slander and now bury you for eternity.’

“Now what are the ‘false issues?’ Let us see. A word or two about sectional hate. What is the danger from sectional hate—from what source does that danger spring? You have seen some exhibitions of it in the past and during the present session of Congress, when the old fires of rebellion have been rekindled, when the old illustrators of plantation manners again appear on the floor of the House, and when unrepentant rebellion flaunts its horrid front in the face of the people, and denounces the nation and the party that crushed that Rebellion to atoms—Hill, Lamar, all the prominent leaders of secession back again into the councils of the nation they sought to destroy! And in the presence of such magnanimity as that we have this sympathetic blubber about bloody-shirt, etc. Do you suppose that there would have been one prominent improvement, national in its character, made, had this Democratic party which to-day prates of Reform succeeded since 1860? Contemplate such a result as their success, if you can without shuddering. Think of the success of the Democratic party in 1864! Down from its high pedestal our nation would have come? Home would have come our conquering legions, with their banners trailing in the dust and in the mire of defeat! The dishonor and disruption of the nationality—that would have been the sure result had the promises of Democratic reform been listened to by the people, and had their solicitation for public confidence met with any response in 1864. Then, again, 1868. Contemplate, if you can, their success then. Every measure for the reconstruction of the nation which they sought to destroy would have been rendered utterly fruitless, our gigantic debt would have been rendered still more gigantic, our credit would have

been gone, and we would have been to-day a disgraced and discredited nationality in the eyes of the whole world. In 1872, think of the calamities that would have followed a Democratic triumph, when one of their own candidates pronounced the reconstructive measures 'revolutionary, unconstitutional, and void.' What has occurred to make the evil of a Democratic success less to-day? What has occurred to make the necessity of a Republican triumph less imperative now, than it has been every hour since 1860? The time has not come when this ideal sentiment of hand-shaking shall take the place of that recognition of principles which the great emergencies of the occasion demand. And what has the Republican platform said that calls from the Democrats these reproaches? This is all: 'We sincerely deprecate all sectional feeling and tendencies. We, therefore, note with deep solicitude that the Democratic party counts, as its chief hope of its success, upon the electoral vote of a united South.' It is, my fellow-citizens, its only hope. The success of the Democratic party means a united South, secured at the expense of the colored vote. It makes an appeal for that Southern vote directly, as in the days of old, to sectional prejudices and sectional hate. It means that every newly-made citizen shall be deprived of the privileges which he is entitled to under the Constitution. Well, I shall not appeal to any sectional feeling, but to the broad, catholic spirit of nationality—the Republican party demands the suffrage of every citizen North and South, East and West, black and white,—every citizen, of whatsoever race he may originally have been, who desires the largest, truest, broadest measure of national prosperity for the land we love so justly and so well.

"Now, about this wretched platform. They have lost none of their old differences. They are the same old issues. It is the bitter, intense spirit of State Rights working against a distinct and united nationality that has been waging war for the long years that are passed. We stand upon the threshold of a new century. We will inaugurate it well, I am sure, and say that this nation, one and indivisible, shall be perpetuated.

"Upon this platform of 'We, the Democratic delegates,' they have placed in nomination Mr. Samuel J. Tilden, of the City of New York, as their exemplar and illustrator of reform. What has he done? Who is Samuel J. Tilden? One of the most expert railroad lawyers on the continent. That is not a first-class recommendation. A man thoroughly imbued with the corporation spirit, so completely that, like the client which he represents, he has no soul. [Renewed laughter and cheers.] It has ordinarily been the case that physicians are prospered in proportion as they have cured their patients. He is a great railroad doctor—the great corporation physician; but all precedent in his case is abolished,—the patients have died and the physician has prospered. Wherever and whenever Samuel J. Tilden has been called to stand by the bed-side of a sick railroad, there was a funeral in the near future. He is the father of watered stock. He is the great absorber and absorbent. He is the author of farm mortgage bonds, and I don't need to explain to you what those instruments mean. There never yet came into the door of his office a healthy corporation which did not



hobble out from the other door on crutches and in bandages. [Laughter and cheers.] All along, up and down this great West, are the wrecks of disappointed hopes and blasted expectations that stockholders and corporations have had, when they have passed through the gentle but death-dealing treatment of the man Tilden. He is a Democratic politician of the highest and lowest type. In 1864 he was a Democratic politician. We are told that our candidate, Governor Hayes, is a man of very ordinary abilities. I thank God that he did not have genius enough to have been in the McClellan Convention of 1864. Take the two men—one a man of genius and the other a man of ordinary talent. In that year the man of ordinary talent had telegraphed, in reply to the inquiries of his friends, in his ordinary way, having merely a patriotic desire to do his duty, as follows:

“‘I have other business to attend to now. Any man who leaves the army to electioneer for a seat in Congress ought to be scalped.’ [Cheers.]

“At the same time, almost as the wires were throbbing with Hayes’ dispatch to his friends in Ohio, Samuel J. Tilden, the great railroad physician, put the signet of his approval upon this infamous declaration; ‘*Resolved*, That this Convention does explicitly declare, as the sense of the American people, that after four years of failure to restore the Union by the experiment of war—during which, under the pretense of a military necessity or war power higher than the Constitution, the Constitution itself has been disregarded in every part, and public liberty and private right alike trodden down, and the material prosperity of the country essentially impaired—justice, humanity, liberty, and the public welfare demand that immediate efforts be made for a cessation of hostilities, with a view to an ultimate convention of the States, or other peaceable means, to the end that at the earliest practicable moment peace may be restored on the basis of the Federal States.’

“Samuel J. Tilden, a war man in time of peace, a peace man in time of war! Manton Marble says in a letter, addressed to a delegate from Illinois, that while Tilden was on that day present at the deliberations of the Committee he in no way lifted up his voice against that resolution, yet down in the bottom of his heart, Mr. Marble says, there was a deep feeling against that resolution, which he always discreetly kept to himself. Was it true?

If, as Mr. John Farnsworth says, Tilden is a resolute, high-toned man, who spurns all leaders, who will not be dictated to, I think he would have risen in his power and might, and said to the framers of that resolution: ‘Get thee behind me, Satan. I won’t have the resolution, and will make a minority report.’ But he did nothing of the kind. When the Convention grew restive over the fact that the platform had not been presented, Mr. Tilden rose in his place and said: ‘We are all agreed. There is no controversy in the Committee; there is no disagreement there; we are awaiting only its revision by the Sub-Committee.’ He was followed in that statement by other members of the Committee, and Mr. Guthrie solemnly rose to his Kentucky feet, and said: ‘There is no disagreement, and Kentucky declares that we are all Kentuckyously unanimous for peace.’

“There is the record of Samuel J. Tilden back in 1864. Let the dead past bury its dead! Don’t wave the bloody shirt! Yet, Mr. Tilden, this



very platform on which you stand to-day, which you must have written yourself, denounces the wrongs and crimes of the Republican party of that very time! Now, don't you tell us to close our mouths about your wrongs! Remember that very period of time!

"Gentlemen, I might bring myself to such a frame of mind as to vote for a Confederate. I can understand how a man living in the South might have voted for the South; but not until my heart has ceased to beat, not until my whole being is changed, will I ever, on any ticket, nor under any circumstances, cast my suffrages for a man living in the North, who, in 1864, denounced the war as an experiment, as a failure, and abjectly and meanly sued for peace! I follow him still further, back to the State of New York—worse than that, back to the City of New York—back to the embrace of Hoffman and Tweed—back to the associations he seemed to love so well. Chairman of the Central Committee, he approved and aided in the most stupendous frauds upon the rights of franchise ever committed by any party, [Cheers]—a great fraud, which wrested the State of New York from the Republicans to whom it belonged, and polled in four wards over 20,000 fraudulent votes. This was done under the direction of the modern reformer, the friends of peace in 1864, Samuel J. Tilden! I go still further. The gigantic robberies of that great ring had finally excited the alarm of the whole nation. During the time when millions and millions were being shamelessly plundered from the people of New York, the Chairman of the State Central Committee, the recipient of Tweed's bounty, was curiously and marvelously silent. But this Republican press, Republican speakers, the Republican party, denounced and denounced again and again those gigantic frauds. A great newspaper brought them to light; exposure came, the lightnings of public wrath visited the head of Tweed and his gang. When escape from detection was no longer possible, then from behind the loop-holes of his safe retreat, from behind his barricade of law books and railroad bonds, Tilden comes forth as a patriotic reformer and demands the punishment of Boss Tweed! [Cheers.] The Republican carriage was all ready, and he jumped in and rode! Is he entitled to the credit? [Cries of 'No, No!'] As I said the other night, the whole history is in a nutshell. Tweed was tried by a Republican Judge, before a Republican jury, prosecuted by a Republican Attorney-General, convicted in Republican style, sent to a Democratic jail, in charge of a Democratic jailer, and ran away in true Democratic fashion.

"But, it is said, he has exposed the Canal Ring. The air has been filled with his exploits as a reformer of the Canal Ring. Three suits have been brought,—three law suits. One man has been convicted, another has been acquitted, another case has been dismissed. Nobody has been punished; not a dollar has been recovered, and \$80,000 have been spent. That is the way the book stands so far as the records of canal reformers are concerned.

"Now gentlemen, it is a long record that Mr. Tilden has, and we are going to have all summer to pursue it. His record as a reformer is a gilded fraud; it is a delusion, a humbug, and a cheat. [Cheers.] We have at the

head of our party a right true, honest man, the Governor of Ohio. He has written a letter of acceptance which makes to-day one of the finest State papers in American political literature. He will be elected. Mr. Tilden claims in the little Pecksniffian speech he made at Albany, saying, 'Behold how holy am I'—he claims that he has had great experience in administrative reform, and there must be a reform in the Civil Service.' Well, how, Mr. Tilden, how? We want a reform, not in salaries, we want a reform in the men; and, having a reform in the men, we want a reform in the methods of their selection and appointment. Gentlemen, I put this question squarely and fairly to you: 'Do you think that, with that embodied corporation at the head of our nation, and with the woods full of the Confederates and Democrats flying to the Capital for an office, there would be any improvement?' What in the name of God would be the personnel of the civil service that would be picked out of that measly crowd. And it is out of that crowd that Tilden would have to select. They have tried the operation in their Confederate Congress, and see what an exhibition they made of themselves. Why, Washington was absolutely alive with men who were looking for offices, because they supposed, there being a Confederate House of Representatives, the lost cause was won. Think of a Democratic triumph all along the line, and what the results must be! We have seen this Democratic crowd in 1864. The Saturday before the great National Convention which nominated McClellan met, this city was full of them. I made a speech over there in the park, on the same stand with Dick Oglesby and John Farnsworth. I started to go home to Chicago Sunday morning, and what a sight there was! Every fellow dressed in grey; breezes, in comparison with which the odors from Bridgeport were sweet as those from a bank of flowers, came from every car. Train after train, the engines all doubled up, and not a seat to be had on the cars. They were the Democratic delegates on their way to the Convention. After I arrived in Chicago, a good old Democrat said to me: 'I was very much surprised a little while ago. I saw a great mass of men going down Wabash Avenue, and I thought it was a procession of rebel prisoners on their way for exchange, but I'll be damned if it wasn't the Democratic delegation from Missouri.'

"In the presence of that same savory crowd Samuel J. Tilden appeared in 1864. Some fellows had an ear bitten off in a joint debate, men with their noses broken in an election contest, fellows with short hair. Those men came on with banners with doves upon them, engaged in the olive-branch business, and all swearing for peace. At the head of this crowd in 1864 was Samuel J. Tilden. My friends, the crowd has not changed, and the leader of the Democracy has not changed one single bit since that time. I would not say an unkind word of my Democratic friends,—there are many clever gentlemen among them,—but, as a political organization, I think their party is absolutely cussed and infernal. I think there can be nothing more suicidal than to intrust into the hands of these men, who sought the destruction of our national life, the direction of our national interests. I believe in this nation. I know what it is,—it is the sacred custodian of the priceless treasure of free government for all peoples and all

nationalities. I hope to see it endure forever. I cherish in my very heart of hearts the memory of the great heroes who have lived and died, the great leaders of our great party. It may be that I may be false to everything else. I hope that I may never be false to it. I hope to carry in my heart as the most sacred thing which it bears an intense, indulging, never-ending love of this great nation, embalmed, sanctified, and glorified as it has been by the blood of so many hundreds and thousands of noble men; and I believe in my very soul that this nation can be saved, and that, with all its faults and shortcomings, this Republican party, whose cause I to-night advocate, is the real custodian of our national honor and integrity. All hail, then, the great cause! We stand upon the threshold of this great contest. Let the old fires be everywhere relighted; let the old spirit be again rekindled, and let the word come up from the old leaders, as in the olden time, 'Attention! forward!'"

At Detroit, the Republicans opened the campaign by the dedication of a large central wigwam on the 24th of August. In compliance with an invitation from the State Central Committee, Mr. Storrs was present, and addressed one of the largest and liveliest indoor meetings ever witnessed in the State of Michigan. A Detroit paper, reporting the proceedings, said:

"His speech was an excellent one and full of witty points, but was repeatedly interrupted and almost spoiled by the comings and goings of a lot of ward clubs, who, at intervals of ten minutes, marched into the wigwam and then marched out again, arrayed in oilcloth caps and capes and carrying lamps, screeching, cheering, firing, drumming and indulging in other tomfoolery, until the speaker almost lost the thread of his argument by the frequency with which he had to lay it down to give way to the noisy nonsense of these fellows. He bore it, however, with much good nature, only making it the text of several good jokes. 'Even a first-class voice,' he said at one time, 'has no chance with a second-class band.' At another time he interjected: 'I have no objection to the tune, but to its length.' At another interruption: 'Republicans around here seem to be innumerable, and every one of them seems to have a band of his own.' As another gang of howlers passed through, he was again compelled to stop, and turning to those on the platform, he said with good-natured sarcasm, 'If they would only march one way!' His speech glittered with witticisms and scathing satire. *The News* has not space for a full report, and no condensation could be made of it which would not obliterate its most meritorious features. It was not an argument the heads of which could be reproduced, synthetically, but a spoken satire, whose best parts depended more upon the words and manner upon than the thought conveyed.

"After a few words of introduction, he said:

"What evidence has the Democratic party given us to warrant us in restoring it to power? I am constantly met with the beseeching question, 'For God's sake, can't you let bygones be bygones?' and I invariably

reply that I will cease to talk about the glories of the Republican party when you cease to be Democrats. When will the mission of the Republican party be ended? Never, while there is on the face of the earth an unreconciled and unreconstructed Democrat. They have learned during the past six years that the poorest way of reforming the Republican party is to vote the Democratic ticket, and I am glad to see that many of them are being converted. Welcome back, my friends, and sit by the Republican fire, but please don't do so any more. The Democrats entreat us to let by-gones be by-gones, and the first moment we speak of the issues of the war they accuse us of waving the bloody shirt. If our record was as infamous as theirs, we would be as ashamed as they are, and would wish to keep still about it. Every page of the record of the Democratic party is written in blood, repudiation and attacks on the national credit. We must judge of the party as we would judge of an individual, forecast the future by the past. Judging the Republican party by this standard what you can say of it? Sixteen years ago it had crystallized about itself the best men of the nation, and when the rebellion broke out, this great party came to the rescue and saved the nation. This young political organization did not cease its good work then. It freed 4,000,000 people who were slaves and made them, men, elevating them to the rights of citizenship. It has taken the old ship of state and torn from it the decaying timbers and replaced them with granite of universal freedom. It has met every issue resolutely and honorably. It found a disturbed and impaired national credit, and it has restored and strengthened it. It has taken this country, our country, through its hours of trial, until to-day it is the proudest country that the sun shines upon. Can you wonder that words, that language seem powerless to express its glories. It will grow brighter and brighter as the long years recede.

"We are asked to-night to surrender this party, and to whom? You are asked to barter all its glories away—to say that, having achieved this much, we give it up, and to whom? To that party which all through the war resisted its prosecution, the party that after the war said, 'You shall surrender every idea that you have advanced and confirmed;' the party that said, 'Repudiate the public debt;' the party that declared the constitutional amendments void; the party that believed and still do believe that what was lost in the field can be achieved in a confederate house of representatives. Now I claim that when a party transfers the issues of the day from the halls of congress to the arbitrament of arms, and is defeated, there must be a surrender, not only of arms, but of the ideas that were fought for. Unless the surrender of Lee included the surrender of every Democratic principle that brought on the war, Tilden was correct in 1864 when he said that the war was a failure.

"Gentlemen, these issues do not die away as soon as our Democratic friends would have you believe. If the national credit is in danger, from whence does it come? Does it come from the Republican party? Every Republican who hears my voice will answer 'no!' Now, has the Demo-



cratic party changed? Yes, it has somewhat, for the Republican party is a missionary, and evangelizer. At the close of the war it liberated 4,000,000 negroes, and God knows how many Democrats, the only difference being that the negroes had the good sense to avail themselves of their freedom, while the Democrats did not do it. The Democrats, at the St. Louis convention, declared that they were opposed to stealing. Was there ever a missionary enterprise attended with better success? Why it seems that they actually believe now in one of the commandments, and with your help I propose to ram the whole ten down their throats before this campaign is over.

"The Democrats have held a national convention. They always do, by the way, once in four years, and I propose to read from Mr. Tilden's essay, called the platform of the Democratic party. It begins by saying that 'We, the Democratic party, declare that reform is demanded.' Listen to that 'We the Democratic party,' who, after dieting on east wind for sixteen years, now declare in favor of reform. They also say something about the permanency of the federal Union. These Democrats engaged for four years in a steady effort to destroy the Union, and for twelve years in an effort to prevent the efficiency of the constitutional amendments, declare that they 'hereby reaffirm their belief in the permanency of the federal Union. Reaffirm it! When did they ever affirm it? That same party in 1864 declared, through Samuel J. Tilden, that the war had been a failure, and in 1868 sought the destruction of the national credit by an infamous proposition to pay the national debt in greenbacks. This platform also denounces the financial imbecility and immorality of the Republican party. Think of the Democratic party denouncing the immorality of anybody or anything. There are two things to be said about this plank; first, it is impudent, and second, it is false. The Republican party has reduced the public debt hundreds and hundreds of millions of dollars, and yet the Democratic delegates at St. Louis denounce the party 'because they have taken no steps towards resumption. Eleven years ago, gold, our standard of value, was quoted at \$160. To-day it is quoted at \$1.10. Thus, without disturbing the currents of trade, gold has been reduced to a point where resumption is not far distant. The Democrats denounce the failure of the Republican party for 11 years to make good the legal tender notes. I have already shown you that the Republican party has stood unflinchingly by the national credit, and the day is not far distant when we shall wake up some fine morning and find that gold is at \$1, greenbacks at \$1, and that specie payment has resumed itself. This, gentlemen, can never be done by turning over the government to the Democratic party. It can only be done by steadily pursuing the course of the past.

"Here are the Democratic delegates from all parts of the country representing the lost cause, denouncing a period of crimes and abuses which the Democratic party propose to right. These sixteen years embraced four years of war, four years of the administration of Lincoln and eight years of the administration of General Grant. Sanctified by the blood of a quarter



of a million of brave men, these years are denounced by such men as Ben Hill, Lamar and others. If there is a particle of the old spirit in Detroit I know that you will consider this an insult. Tilden's letter of acceptance and the St. Louis platform are full of accusations of the Republican party and are much alike in this respect; they are shocked at its thefts and immorality, and promise peace and good times. If the government was turned over to the Democratic party it would be indeed the time when the lion and the lamb shall lie down together, with the very small difference that the lamb would be on the inside. I do not propose to defend the Republican party. Wherever stealing has been done it has been done by individuals, irrespective of the principles of the Republican party, and those individuals are the ones to blame. The Democratic party is a robber as an organization, and I say to you that the stealing and corruption in the Republican party are too small to be noticed when compared with a party that would steal arms, steal states, and that finally attempted to steal the whole nation. Precisely how the Democratic party propose to carry out the reforms about which they talk so much they do not tell us.

"I hear something said about centralization, and I wish to say that if it is a bad thing I am opposed to it. On the other hand, if it is a good thing I am in favor of it, and if it is neither good nor bad I don't care much about it. If they mean by centralization such an administration of the law as shall secure freedom and protection to all, I am in favor of it. I should consider a party beneath contempt that would give a man his freedom and refuse to give him the right to protect that freedom by withholding the ballot. I say again, that if that is centralization I am in favor of it, and I would protect the colored men in such rights. These constitutional amendments are absolutely inoperative of themselves. They simply declare the freedom of the negro, but it takes something more than that. These amendments need legislation to give them force, and the Republican party has supplied this, so that it is to this party that the colored men of the south are indebted for the privileges they enjoy to-day. With a Democratic congress and a Democratic president I ask you how long these statutes would stand upon the statute-books? They would disappear like the snow before the morning sun, and all the rights we have secured to the negroes would be undone. Are you tired of what you have done? Would you take back the rights given to them? Would you say to them you are free, but you cannot vote? or would you say to them you can vote, but if your former masters attempt to intimidate you and keep you from the ballot-box we will stand idly by and shake hands with them over the bloody chasm?

"The Democrats propose to reform the civil service, but how? Tilden says by selecting a higher grade of men; but from where? Where will you find them? The offices must be filled by either Democrats or Republicans. If you want loyal men, men of refinement, men of culture, the Republican party is full of them. At Washington this winter we have seen the kind of men that the Democrats propose to reform the civil service with, the emis-

saries of the lost cause. Culture? Men who can't tell whether the Saviour of mankind was crucified at Calvary or shot at Bunker Hill. Why the roads through the country are full of tramps, Democratic office-seekers, hoofing it from Washington. Another instance, what a great moral city is the city of New York. How piously the Democrats there can stuff a ballot box, and count this man in or that man out. How very quietly they go about doing good—so quietly that no one ever hears of it.

“Who is the Democratic candidate? Samuel J. Tilden. Some people say that they shall vote for him because they are tired of machine politics. Why, gentlemen, Samuel J. Tilden is the perfection of a machine. He is a reaper and mower combined, a self-sharpener, and has never been anything else. They tell us that Mr. Tilden is a patriotic man, but how very quietly he went about saving the union, his left hand on the Chicago convention, and his right hand didn't know anything about it. Here was a war where millions of men met on the field of battle, where hundreds of thousands of lives were lost, where an immense amount of treasure was expended, and I ask you, was there a man about whose position there could be a particle of doubt? Why, every school boy in the land was able to define his position in regard to the war, but skulking behind his law books and railroad bonds Samuel J. Tilden was not heard from. We all have the right to say to him, You were no obscure country lawyer, why could you not at once say, ‘God speed to the good cause. God speed to the noble soldiers.’ How different was the position of our candidate. There's his record, (pointing to the ‘scalping’ letter printed on a banner.) Recognizing the claim on him he went to the front. There's no doubt where he was. But Tilden did not utter one little word about the war. Riding on a pass of one of the numerous railroads he had consolidated, he arrived in the city of Chicago, and the dapper little gentleman was carefully folded in a piece of tissue paper and wafted to the Democratic convention. I wonder if, when Tilden retires at night to his lonely bachelor's bed, he doesn't wish a mountain would fall on him and crush him before morning, or that some great gulf would open and swallow up the peace plank in the Chicago platform. They tell us that Tilden wasn't responsible for it, and according to the Democrats, lions and tigers wouldn't be anywhere in the way of this little dapper governor of New York. Why didn't he rise up and protest against this plank in the Chicago convention? He did worse in that convention of Greenbackers for greenbacks. Tilden got up and said, We, of the committee on resolutions, are all agreed. Another peace member got up and said we are all agreed. Morrissey was there for peace, and in fact they were all engaged in the olive branch business. All the record you can find of this valiant man, Samuel J. Tilden, who was crazy to go to the war as a private, is this peace plank.

“They say he is a reformer, and that he unearthed the frauds of Tweed. Tilden and Tweed were personal friends for many years, and long after all Tweed's villainies had been exposed by the Republican press, Tilden met him in convention and took him up as a political equal and

friend. After the Republican party and the Republican press had exposed Tweed, Tilden came to the front and rolled into office as Governor of New York on the tide that swamped Tweed. Now, Tweed was tried before a Republican Judge, by a Republican prosecuting attorney, and convicted by a Republican jury, but he escaped from a Democratic sheriff. It is truly wonderful to mark the progress of reform. Confined in a small room not much larger than this, poorly furnished with marble-top tables and tapestried throughout, eating but five or six meals per day, and seeing only fifty or sixty visitors each day, Tweed pined for a sight of his wife; he never loved her so much in his life before. The jailor took him in a carriage to his humble dwelling in that pauper street, Fifth Avenue, and he went in at the front door. From that moment to the present time the places that knew him know him no more forever.

"Tilden is reform governor of New York; he has broken the canal ring. Eighty thousand dollars has been expended, three men indicted, one of whom was convicted and is now imprisoned out of doors on bail. This is the great ring-smasher. Now I suppose you all know that if there is anything that will make a man love his fellow men all through and through, it is to consolidate railroads. That is where Samuel J. Tilden has proved himself a success. He is the great railroad physician, and whenever he has stood at the bedside of a railroad there has been a railroad funeral in that immediate neighborhood very soon thereafter. Generally, you know, a physician's success depends upon his ability to save his patients, and it seems strange that when railroads have died on his hands Tilden has achieved great success. He is the author of watered stock and the finisher of blighted railroad stock. There is hardly a farmer in this broad land but that has a little piece of paper stowed away somewhere that he occasionally takes out, and, as he looks at it and mourns its worthlessness, he can trace it to the great reform candidate, Samuel J. Tilden."

The same newspaper, editorially, said—"The meeting at the Central Wigwam on Michigan avenue was a splendid one in numbers and in spirit. The speech of Hon. Emery A. Storrs kept the attention of the audience from first to last. It was among the most admirable efforts of its kind to which we have ever listened. Keen in its irony, scathing in its sarcasm, powerful in its arraignment of the Democracy and their leaders, eloquent and convincing in its tribute to the services of the Republican party, it carried every hearer with it. The Republicans are to be congratulated upon the auspicious manner in which the campaign has been opened."

On his return home, Mr. Storrs accepted an invitation to address the Republicans of Freeport, and fulfilled his engagement on the 15th of September. The announcement that he was to

speak, and the meeting of the Congressional Convention in the afternoon, had filled the town with people, and the large hall which had been secured for the meeting could not hold the crowds, Republican and Democrat, who thronged to hear him. He said :

"I by no means feel in addressing the magnificent audience here to-night assembled that I am among strangers, or that I am speaking to strangers. I have known Freeport, its people, its surroundings, its patriotic spirit, its loyal impulses, for the last sixteen years. I am somewhat renewing to-night an acquaintance commenced sixteen years ago, and I am renewing that acquaintance on an occasion very much like that under which we met when the acquaintance began. It is curious to me, and, perhaps, may be so to you, to see how long a time it takes to wipe out old political issues, and to substitute in their place entirely new ones. We have all waited, watched, and hoped for the day to come when bygones should be really bygones,—when the past with all its dreadful memories could be erased,—when all the troubles which we had overcome would be behind us as a bad dream; when, with new issues, new parties, new organizations, this great nation, starting afresh upon its career, might say to itself that, whatever else may happen, the past is safe, and to the future alone are we called to look. That time, every heart that beats before me to-night tells me has not yet arrived. Bygones are not bygones. The past is not altogether past. The past is not quite secure. We do not stand to-day a nation with that past absolutely safe, with the broad future before us absolutely untrammelled by any history which lies behind us. We confront to-day—and it is one of the wonders of this century—the same great political organization, consisting of the same membership, inspired by the same feelings, devoted to the same purposes, holding precisely the same ideas, that that party held sixteen years ago when it organized treason and sought the destruction of the national existence that we met and defeated in 1860. We had hoped—and you all had hoped—that, long before the centennial year had arrived, this Democratic party, from which the cause of human freedom and of good government everywhere had suffered so much, would have utterly passed out of existence, and would have vexed us no more. You had hoped, my good friends, that all those old political ideas on which that party was based, and to maintain and enforce which it organized a gigantic rebellion, would have been buried in oblivion and absolutely be regarded among the things of the past. But, as eagerly as you might have hoped this, you are doomed to disappointment. In the year of grace 1876 this same organization, whose record is a record of broken promises and violated pledges,—this same political organization, which has carried within itself all the most dangerous political heresies that have threatened the destruction of our national life,—is proud, asserting, dominant, demanding that the custody of the affairs of the nation, whose destruction it sought, shall be by a loyal people turned over to its keeping. And the solemn question which you are to answer to-night,—the



solemn question which, men and women alike, you are from this day forth to put to yourselves without ceasing, is this: Shall those who would have murdered this nation, the grandest on the face of the earth, within eleven short years after their attempt had failed—shall they be called back into power, and intrusted with the life and integrity of that nation, whose destruction they sought? [A voice, "Never," and applause.] This is the question which is constantly recurring. I am told that these are bygones, and that we are making the same old speeches that we made in the years that are past. This question of loyalty, of devotion to the national existence, is as old as virtue, and the vices of the Democratic party are as old as sin. [Laughter and applause.] As well might you ask a preacher to hush his voice and let the pulpit go untenanted because preachers before him have denounced sin, as to ask Republicans to hush their voices and close their meetings as long as a Democrat lives above ground. [Applause.] We are assured, however, that the Democratic party has changed; that the war is past; that we should have a period of silence; that the bitterness of the war should be buried; that a feeling of universal gushing sentimental brotherhood should prevail; that we should at once proceed to shake hands across the 'bloody chasm'; that we should forget all the sacrifices and glories of the past, and that we should call to our bosom with a sort of paroxysmal enthusiasm, which no blushing maiden ever yet excelled, the organizers of treason and the unconverted enemies of the free spirit and tendencies of modern times.

"I am in favor of conciliation—thoroughly and altogether in favor of conciliation. The simple question in my mind is who shall be conciliated? I turn to the old Republicans on this platform; I turn to the old Republicans in the body of the hall; I ask them if they remember the days when we started out in our procession twenty-two years ago; I ask them if they remember how small a procession it was; that we went afoot; that the going was bad; that our feet were sore; that the winds blew through every hole in our garments; that the skies were inclement, and that there were conservative gentlemen standing on the side-walks heaving mud at the procession as it passed? [Laughter.] I ask them if they remember the days when the old procession grew, when it came up a great party, when it crystalized about itself all the holiest objects, the loftiest impulses, the best purposes of the country, and called itself the Republican party? I ask them if they remember when that great procession swelled in volume so that it embraced the whole continent, when it met a rebellion in arms, when it throttled the life out of it, when it saved the great Nation? I ask them if they remember when these loyal people buried their loyal sons in every valley and on every hill-side in the land? I ask them if they remember the thousands and millions of dollars and the countless thousands of lives sacrificed that this nation might live? I ask them, finally, if they remember, when peace came, and when, to protect the national credit, another war quite as great in its proportions as the first to vindicate and maintain the national credit has been fought and won against the same adversaries; and I ask them to-day if, when the



victory is finally achieved, we may not be permitted to sit down by the hearth-stones which we have saved, and ask that the robbers and plunderers of the national honor shall conciliate us? [Laughter.] Wouldn't it be well that there should be a Confederate deputation coming up from the rice-fields of South Carolina; wouldn't it be well if a delegation of Confederate Democrats should come here from Hamburg,—come here to this beautiful Town of Freeport,—bearing the olive-branch in their hands, and say to the good old loyal citizens of loyal old Stephenson, 'We have come here to conciliate you?' No; the gushing little candidate running for President to-day, and all his forces, Tray, Blanche, and Sweetheart, say that the broad-browed, big-hearted men of Stephenson must go down to Hamburg and conciliate Butler, and his murderous associates.

"I speak of the Democratic party. It comes to you to-day asking that the confidence which you withdrew from it twenty years ago nearly shall be again restored to it. What has it done? Twenty years ago this same Democratic party made human sympathy a curse, and made charity an indictable offense. Twenty years ago this same Democratic party, which to-day demands the suffrages of the people, organized itself into a party which said the sunshine of freedom shall be local, and the black shadow of slavery shall be national. This same party organized secession in the war, and, having failed in meeting reason by the bullet and argument by the bludgeon, took its political principles to the last field to which those questions are ever referred. It carried them into battle; its banners went down in defeat; its hopes were crushed; its arms were defeated; and I said, and you said, as we stood upon the edge of that mighty conflict,—its roar still ringing in our ears, and its smoke still filling the sky—'Surrender'—not only the men who fought, and the guns with which they fought, but 'Surrender every single political idea for which you fought.' If, when Lee's armies surrendered at Appomattox, they did not surrender the damnable heresies out of which the war grew; if we did not demand that surrender, the war was a failure as base and shameless as Tilden declared it in 1864.

I supposed, we all supposed, that, when their armies were annihilated, their political ideas were annihilated as well. Has there been any conversion? Point me to a single Democrat south of Mason and Dixon's line, big or little, who to-day will tell you that he entertains on the question of State Sovereignty an opinion in the slightest degree different from that which he held when the war began. Point me to a single leading Democrat North, prominent in politics, who was a Democrat when the war began who to-day will tell you that he believes on the question of State Sovereignty one iota differently from what he did sixteen years ago. Is it possible, then, that a party made up of the same members, each individual member holding the same belief that he held twenty years ago,—that the party has changed when there has been no change in the opinions of its individual members?

"In 1861, Samuel J. Tilden, with James Buchanan, declared as his opinion that, although a State had no right to secede, the General Government had no right to coerce it into the Union. Has Tilden changed? Is there a Democrat in the whole length and breadth of the land that has changed?

Not one. If no individual member has changed, how, then, has the party changed? If they have changed, if they have revolutionized that belief, if they are now honestly of the opinion that this nation is one and indivisible; that the right of secession does not exist; that there is inherent in the General Government the power to crush out the attempt whenever it is made; if, to follow this out, there is a single Democrat who has to-day reached those conclusions, there is but one way in which the genuineness of his change of conviction can be demonstrated, and that is by leaving the Democratic party and joining the ranks of Republicanism. [Applause.] When the heathen ceases to worship his idol of block or stone as the real God—when he believes in the divinity of the Saviour, and in the truths of the Old and the New Testament, he doesn't stay among the heathen, but joins the Christian Church. And if these Democrats are converted, I have this advice to give them: Get out from among your heathen associations, stop worshipping your images of brick and of stone, change your soiled and battered clothing of Democracy, wash yourselves clean, put on a new shirt, come into the ranks of Republicanism, don its garments, and thus prove the genuineness of the change of heart which you claim to have experienced. [Applause and laughter.]

"This Republican party of ours comes to you to-day with substantially the same membership. It is the same party with its unbroken record of glory, that made four millions of chattels freemen and citizens. It found the old structure of State filled with the rotten and decayed timbers of African servitude. It removed them all amid the thunders of war, and replaced them with the everlasting granite of freedom. This same Republican party that crowded into four short years of war the most colossal and resplendent results ever recorded in history, confronted at its close a vast debt, and honestly, manfully, faithfully, it has pledged the credit of the whole nation that it shall be paid, and reduced it more than \$400,000,000 of money. This same great party, confronting this new condition of things, found these former slaves freemen. It made them citizens. Making them citizens, it said to them and the nation and the world, 'We will clothe them with all the weapons by which the right of citizenship may be protected; we will make them voters.' It made them voters, and, making them voters, the Congress of the United States has placed it within the power of the General Government to protect them in the exercise and enjoyment of that right.

"It has lifted millions of dollars of tax from the shoulders of the people. It has decreased by millions of dollars the national expenditures. It has increased by millions of money the national revenues; and this brings its history down to to-day.

"But while I am discussing questions of this character, some Democrats tell me, 'Why, those are old issues.' 'The freedom of the slave,' they say, 'is secure beyond all question. His citizenship, as you have said, is imbedded in the Constitution.' His right to vote, they tell us, is secure. And when they make that line of argument they seem to think that the whole discussion is closed. Right here, my fellow-citizens, let us pause and

think. Let me suggest to you that there is hardly a clause in our Federal Constitution which is self-enforcing. We have a provision that there shall be Federal courts, and I think I see a conservative Democrat—one of the old-time Democrats who respects the Constitution beyond all measure—stand with his toes turned out and his back to the fire, and with his hand under his coat-tail, saying. 'I am in favor of the Constitution—I am in favor of that clause which provides for Federal courts, but I am not in favor of this Congressional legislation by which the Court is created.'

I ask you, gentlemen, notwithstanding the fact that the Democrat is in favor of the Constitution, is he in favor of the Court? We have our clauses in that Constitution providing for mail routes and post-offices. What is a clause in the Constitution worth unless there be some Congressional legislation to put it into force? We have these Constitutional Amendments by which citizenship and freedom are both conferred upon the negro, but they are not self-enforcing. Each one of these amendments provides that they shall be enforced by appropriate legislation. Now, what is that appropriate legislation, and what is its precise value? Let me tell you, if you will strike out all Congressional legislation upon the subject and leave the amendments standing alone, they are as idle for all useful purposes 'as a painted ship upon a painted ocean.' The Republican party is a practical party. It imbedded those great rights in the Constitution. It took them down to the solid rock upon which the nation lives, and it said. 'We will make these no idle gifts. These shall be no treacherous benefactions. We mean precisely what we say.' We gave freedom to the slave. It were base not to protect him in its enjoyment. We gave citizenship to the negro. It were base not to protect him in the enjoyment of all its privileges. We gave him the right to vote. It were outrageous if it were an idle gift. We protect him in the full and complete enjoyment of the right, and therefore Congress has by legislation provided that, whenever any privileges thus conferred shall be interfered with, this great central power which we call the General Government may intervene, and may protect the negro in the enjoyment of every privilege which the Constitutional Amendment confers upon him. It says this: 'We give you by the Constitution the right to citizenship and to vote, and more by legislation. This is no ideal gift. If, when you go to deposit your ballot, that right is interfered with, if the State in which you live cannot or will not protect you, this great Government will protect you. If you are interfered with by force, we will protect you by force. If armed men threaten you in the enjoyment of any of those privileges, armed men shall march to your support, and assert your full and complete enjoyment of them.' This is what the Democratic party call centralization.

It is a centralization of which I am enthusiastically in favor. I would give nothing for that Government so utterly powerless and helpless that could not, even at the cost of war, at the extremes of the globe, protect the meanest and poorest of its citizens when insulted and outraged. I would spit upon that Government which would not at home protect, even at the cost of war, the meanest and poorest of its citizens in the enjoyment of

every privilege which the Constitution conferred upon him. And the man to-day who is in favor of the Constitutional Amendments, and is opposed to that legislation by which they shall be enforced, is a coward and a sneak, and fittingly belongs to the Democratic party.

"I will pursue this subject still further. Let me illustrate a little. I think I am familiar with this Democratic party. I have read its history. It has been burned into me and into you. During the war, all through the North, you found magnificent Democrats who were in favor of a vigorous prosecution of the war. Certainly they were. They were in favor of a vigorous prosecution of the war, but were opposed to drafting a single man. They were in favor of the suppression of the rebellion, but were opposed to buying a gun. They were in favor of the suppression of treason, but opposed to invading what they call a Sovereign State; opposed to secession, and opposed to putting it down; opposed to a dissolution of the Union, and opposed to preventing anybody dissolving it.

"One more question on this point. You have seen one-half of a Confederate Congress. They cannot disturb the amendments. But place the whole of the affairs of this nation in the hands of the Democratic party, and where do you suppose, within thirty days after attaining power, where do you suppose every single syllable of legislation will be left that was intended to enforce the provisions of those amendments? Away back in 1863, in the Democratic, patriotic, honestly-governed John Morrissey-Sam Tilden-Isaiah Rynders-Bill Tweed City of New York, there was inaugurated a little one-horse Democratic rebellion. The Draft law had been enforced. Seymour, Tilden, all good Democrats, had assured the rank and file that all that legislation was revolutionary, unconstitutional, and void. If there ever was a man that loved the Constitution and talked about it all the time, that carried it about with him, and slept with it under his pillow, it is one of the meek and lowly followers of John Morrissey and Isaiah Rynders. [Laughter.] If there ever was a class of men up in science who denied privileges to the negroes on the ground that they were not men, and that their astragalus differed from that of a white man, it was the learned savans whose noses have been broken and whose ears have been bitten off in those discussions in the City of New York. [Great laughter.] At that time these good, zealous Democrats really believed in the bottom of their patriotic souls that the Constitution had been violated by the Draft law, and organized a mob and brought on a great riot, in the midst of which Horatio Seymour wrote a letter to President Abraham Lincoln. He said to him practically: 'We are all in favor of the prosecution of the war. We all devoutly pray that the Union may be saved. We pray every night when we retire to our couches that the Union may be restored. But this Draft law opposes and violates, as we think, some of the fundamental provisions of the Constitution. The temper of the loyal people of this State,' he said, 'is greatly aroused,' and therefore he proposed to Abraham Lincoln that the draft be suspended, and that a lawsuit be commenced in some court in the City of New York and carried through to the Supreme Court of the United States, which, in the course of two or three years, might be terminated, and by which it might



be ascertained whether the draft was all right or not. [Laughter.] Mr. Lincoln wrote back to him: 'My dear sir: I cannot see how your proposition will work. The difficulty is our Confederate friends south of Mason and Dixon's line won't wait for your lawsuit. They go right along and fill up their armies.' And he says, 'My dear Seymour, go on with your lawsuit, one or two, or as many of them as you please. I will go along with my draft, and we will run them in parallel lines;' and, as it turned out, the other Democratic rebellion south of Mason and Dixon's line was crushed into powder long before Horatio Seymour's suits would have been reached upon the docket. [Applause and laughter.] It is the same party precisely that acted thus when such dangers as those were threatening us which now asks that the affairs of this nation shall be turned over to its keeping. It is the same party, reeking all through with its political crimes, that insists upon it that from the hands of this great loyal organization that saved the nation, it shall be taken, and passed over into the keeping of that great disloyal mob who sought its destruction. I do not believe that the time has yet arrived when this loyal people have so far forgotten the history of the past twenty years that they are prepared to accede to this request.

"It occurs to me that here is a proper place to be scriptural. I have watched, as I have told you, this Democratic party curiously—watched its promises. It is a party absolutely without performance, and depends altogether upon promise. If there is a banker in this town, or a citizen who is not a banker, that has loaned some fellow \$100 which the fellow has never paid, he may forgive the debt—let that be a bygone; but I don't believe he will make another loan. [Laughter.] How may I know that this Democratic party is to keep its promises? By judging from what it has done? Oh, no. They say, 'We will save the nation.' We saved it. We have saved you that trouble. They say, 'We will protect it.' Why, you sought to destroy it. They say, 'We will maintain the national credit.' Why, you sought to ruin it. They say, 'We will make greenbacks equal to gold.' We say, 'You sought to destroy them altogether.' They say, 'We will lift up the national credit to where it belongs, and pay the national debt.' We say, 'It was eight years ago that you sought to repudiate it.'

These are the promises it is making to-day. These are the performances of the past. How are you going to judge from promises? Suppose there comes into your place of business a young man magnificently adorned with a platform. He shines and glistens all over with it. He has brought, perhaps, the Ten Commandments, the Sermon on the Mount, the Saint's Rest, and Taylor's Holy Living, all rolled into one: and he says, 'I would like to be treasurer of your insurance company;' and you produce to him a record from the Police Court simply showing that he has been indicted and convicted twice of larceny, what on earth becomes of his platform? [Laughter.] And when this Democratic party comes to you with its platform, 'We, the delegates of the Democratic party in National Convention assembled in the City of St. Louis, insist upon it that the country demands immediate reform,' you say, 'All right; but, in case anybody should doubt you, I propose to take a hand in. [Laughter.] Try it on yourselves first.' I saw



an announcement some days ago of a meeting of a 'Tilden Reform Club,' I asked them which they intended to reform, Tilden or the Club. [Laughter.]

Now, then, as to the scripture. A noted ex-Senator is on the stump again, and he is always scriptural. A good man, but his heart is running over with this milky kind of goodness that would arrest a thief, capture the spoons from him, and then give him your hat and overcoat that there should be no misunderstanding nor unkind feeling in the future. [Great laughter.] He says that we should treat our brethren of the South with the same Christian spirit that the father in the parable treated the Prodigal Son. I have read the parable of the Prodigal Son. I am willing to accept that test; and I, for one, would be willing to treat the Southern prodigal precisely as the old man in the story treated his prodigal. The prodigal of the parable was a pretty good sort of boy, as the world went. He came to man's estate. He left home when he had a perfect right to leave. Nobody questioned it. No soul doubted it. His portion was paid over to him. He didn't take a single dollar that did not belong to him. If I have read history aright, that was not precisely the course which the Southern Prodigal pursued. [Laughter.] The old scripture Prodigal was a boy standing just upon the threshold of life, foolish as hundreds and thousands of boys have been since, with his pocket full of rocks. He went out to see the world, fell among the Democrats, and naturally enough was cleaned out. [Laughter.] He did not seek the destruction of the old homestead when he left it. He went away with no ill-will. He did not attempt to plunder either the old man or the brother he left behind him. But he found that playing prodigal didn't pay. When his money was gone, and his credit was gone, and his Democratic friends had no further use for him, he went to feeding swine, and then went to feeding with swine. He got about as low down as he could, and, sore, sick, disheartened, covered with blisters and scars, the poor, foolish boy, loaded down with his unhappy experience, but with his heart still in the right place, got up from among the hogs where he was groveling and says, 'I will go back to my father,' and back he went. And, as he was tottering on the way, the old man was looking over the gate watching down the long and dusty highway for the poor boy to return, as he knew he would; and he saw him coming hobbling along, ragged, and wretched, and miserable; but he was his boy still, and he went out and threw his arms around him and bade him welcome and gave him a suit of clothes and a ring and a veal dinner, and that was all. [Laughter.] Now that is all that boy got. I want you to observe he didn't come back headed by a band-wagon and a banner with 'Tilden and Reform' on it. What did he ask for? He did not come back after the fashion of these large-headed gentlemen from the South, saying, 'I will run this farm.' No sir. He came back saying, 'Father, I haven't a cent; take me as a hired servant'; and, so far as I have been able to discover,—if there are any preachers here they will correct me,—he did kitchen work forever after. And yet the loyal stay-at-home boy was not quite satisfied with that arrangement. He looked at that calf when about immolating him in congratulation for the return of the boy, and he said to the old man: 'Father,

I never went off to be a prodigal. I never spent my money and substance in riotous living, and you never killed any fatted calf for me.' And the loyal, patriotic father turned around to him and said: 'Son, thou art always with me. All that I have is thine. Not a dollar in money, not a foot of land, not an office, not a smell of an office, goes to this returning prodigal.' [Cheers and uproarious laughter.] But this loyal, patriotic Northern ex-Senator says that we should let the Southern prodigals take this Government—this farm—and run it for all time in the future. Now suppose we do offer the Southern prodigals this nation. Suppose they do come back kindly. They say they accept the situation. It is remarkable; is it not a little extraordinary, after the surrender at Appomattox, that they accept the situation? Isn't it a little extraordinary that the Rebel army accepted the situation at Vicksburg? Isn't it quite strange and startling, and doesn't it make the world come out in violent gushing kindness, to think that Bragg's army accepted the situation at Chattanooga? Isn't it curious that the Confederate army accepted the situation at Five Forks? Isn't it strange that Floyd and the rest of them accepted the situation at Donelson? Ah, of course they did. There was nothing else under God's heavens that they could do. [Applause.] They did accept the situation, and that is all there is about it,—not only when their armies were beaten in the field, when the last ditch was reached, when their banners were trailing in the mud and mire of everlasting and eternal defeat, with their arms stricken from their hands, with their cause hopelessly lost. This was done after the nation had been filled with mourning, and the Northern people burdened with a debt of three thousand millions of dollars; after the little hero to-day at the head of the Government had Rebellion by the throat and choked the life out of it. Then the courteous Rebels accepted the situation.

"It is this same party which to-day demands the custody of the national finances, and at the head of their ticket they have a great financial reformer, and stumping in various sections of the country are Democratic orators, eager and earnest, introducing their arguments to the people in order to convince them that a sound currency, a restored credit, must be the necessary result of a Democratic Administration. Somewhere in the State of Indiana is a distinguished Senator denouncing the Republican party in that it fixed a day for the resumption of specie-payments. He says if that policy is carried out there will be such a contraction of the greenback that it will be quadrupled in its value, and that, therefore, every debt which every citizen owes will be practically quadrupled in amount. Isn't it a terrible calamity to think of? Let us stop and consider it. Has it ever occurred to you whether it is very probable that any time within our prospects of living a greenback will be worth very much more than gold? Suppose some enterprising citizen of Jo Daviess County concludes he will start a dairy. He gets his cows, and his machinery for running the business. He issues his milk tickets, and he finds by and by, so many tickets has he issued, that he has a great many more tickets than milk. What is he going to do? Can he contract his tickets so as to resume? Suppose he began contracting,—that he calls in his tickets,—the time will never come when the milk ticket will be worth

more than the milk. What is the policy of the Republican party? If you cannot contract your tickets,—if you cannot call them in, inflate your dairy,—get more cows; get no more tickets, but for God's sake get more cows. (Laughter.) What is the policy of the Democratic party? It is to inflate your tickets, and to inflate your milk at the same time. Instead of having a tendency toward honest resumption of your tickets, instead of enlarging your dairy, they have immediate recourse to the pump. When it is inflated by that process, have they got any more milk? [Laughter.] I am asked by Democratic orators, 'Do you pretend to claim that Congress cannot make money: that the inscription which it puts upon a piece of paper doesn't confer upon it actual value? Do you,' they say, 'deny the power of Congress to do that?' Yes. I have the utmost reverence for the power of Congress, but there are many things that Congress cannot do. Congress cannot make a horse. Congress cannot make two hundred acres out of one. Congress cannot make actual value by saying that it is actual value. Take a \$20 gold piece fresh from the mint, with the inscription clear and bright upon it. Obliterate every letter and every figure; leave it an absolutely smooth surface; twist it into any shape you please; make a round ball of it, and it is then worth \$20. Take a \$20 greenback. Obliterate the inscription from it; make it a blank piece of paper; roll it up in a wad, and it isn't worth a—Democratic curse. [Laughter.] It is absolutely good for nothing. There is no inherent value in it; and the only worth it possesses is the belief of the holder of the paper in two things; First, in the ability of the nation to make the promise good; and second, in the willingness of the nation to make the promise good. You cannot enforce a liability against a nation by an attachment proceeding. It is to a certain extent idle to say that every blade of grass and grain of wheat is pledged to the payment of the greenback and of the bonds. So long as the Republican party is in power, that is true; but with the Democratic party in power it is false. The credit of either the greenback or the bond depends upon the integrity of the party in power, and the just management of national affairs. Place to-day—if the Almighty in His wrath should see fit to do it—this Democratic party at the head and in custody of our national interests, with its long black record of repudiation behind it, and where, so far as the national credit is concerned, would the national credit be? Let them come up from the South, from every Confederate cross-road, a bearer of a Confederate heart full of the belief that the lost cause is won; let the Government be made up in that way, and where would our national credit be? Do you gather grapes from thorns, and figs from thistles? Is this Democratic party characterized to-day by being a solid South—is that party, which for years and years has waged relentless war against the national life, to be trusted with its old doctrine still fresh upon its lips, and its old bitterness still lingering in its heart? It is to be intrusted with the care and protection of the national credit? Let the wires carry the intelligence abroad that the old Rebel Democratic party has triumphed, that it has charge of the national debt, that it has charge of the national credit, knowing that that party has always sought and desired the ruin of both, where would our national credit be? Where would be the pledge of your

blades of grass, your gold and your silver in your mines, your coal in your coal-field, your grain on your prairies—where would the pledge of them be with the Democratic party in power?

“There is nothing in this world more sensitive than national credit to the slightest outside interference. Place in charge of it a party punctured all through with the name of repudiation, and this national credit which we all hold so dearly to our heart would perish in a night. I am told that we cannot interfere with the national debt. I may overstate it. I am assured, however, that in the last session of this Confederate Congress more than 1,000 bills for private claims from the South were presented, and smuggled in by that most astute Northern Democratic gentleman having charge of those affairs in Committee. Imagine the condition of those claims if they should triumph! Cords and cords, scores and scores, of claims of that character would come into Congress, and millions, countless millions, of additional indebtedness be saddled upon the people, which would render the time of resumption of specie-payments not only an indefinite postponement, but an everlasting impossibility.

“But they assure us they desire to reform the Civil Service. How? Have you ever heard a Democrat say how? Have you ever read a Democratic speech that told you how? Has there ever stood up in Washington, in the Senate or in the House, a single Democratic legislator, and made one single recommendation of a practical character looking to the reform of the Civil Service? Wade through their long-winded platform, if you please. Balance each dreary platitude with the utmost care; search it all with the keenest analysis and criticism, and then tell me if you can. Can you see a practicable remedy suggested by the Democratic party for the reform of the Civil Service? My good friends, without reference to platforms, without reference to letters of acceptance, let us take this business as it is. We all know that, as long as this form of Government continues, the nation must be managed by parties. I believe in political organization. I believe that men are so constituted that upon great political questions they do not all think alike; and I think two pretty evenly-balanced parties, eager and zealous, are the most healthy indications that you can find in any free Government. I believe, moreover, and you believe it, that the party in power will fill the Government offices to a great extent with men holding the same political belief that the party entertains. This is a necessity. You will never reach that beatific condition of government when it will be otherwise. Suppose that the only issue were hard or soft money; a large majority of the people vote that they will have hard money, and they elect a President upon that basis, what would you say to him if, continuing upon that basis, representing that idea, he placed at the head of the Treasury, as its Secretary, a man who believed in inflation? I have this to say: If I were a hard-money Secretary of the Treasury, and believed in it as thoroughly as I believe in it to-day, I would see to it that my first assistant, my second assistant, my third assistant, my chief clerk, and my subordinates, if I could command it, should be hard-money men too. I should see to it that they talked, when they talked anything, hard money; that they talked hard



money out of the office; that they would be hard money all the way through. When I desired to advance hard-money ideas I wouldn't go to the soft-money men to help me. Suppose you undertake to reform the civil service. Let me say to you here that out of one or two of these great aggregations which we call the Democratic and the Republican parties must these offices be filled—either by Republicans or by Democrats. From which aggregation will you fill them? If you desire men who can write, where will you find the most men who can read and who can write? In the Republican party, or in the ranks of the Democracy? If you want to find the great mass of the intelligent, honest, patriotic thought of the country, where will you go? The question is answered by your own hearts the instant it is asked. You know that within the boundaries of this Republican party of the nation, within its great temple, on the walls of which are inscribed the grandest records either of ancient or modern history,—that in that temple are to-day assembled, and have been gathered for a quarter of a century past, the wisest, and purest, and best, and the most patriotic men on the continent.

"I ask you one other question. From either one of these two aggregations must your choice be made. Imagine such a thing as a Democratic success. I do not care how well-intentioned Mr. Tilden may be; I do not care how resolute he may be; that man doesn't live sufficiently strong to encounter a solid party against him. There would come floating down upon him like the resistless waves of old ocean a tide that would sweep that little bachelor clean up into the clouds if he didn't obey; that would demand for these Confederate Democrats who have for sixteen years been dieting on east wind, a reward for their services. Think of the City of Washington. Think of the congregations that would be there assembled. Think of the thousands, and tens of thousands of the helpless, hopeless, hatless, shirtless, and lost Confederates there appealing for an office and in search of a reform of Civil Service. [Laughter.] Is that your remedy? Straws show which way the wind blows. We vainly thought that the old Union cause had triumphed. We saw the old flag floating above our heads, and supposed that the cause which it represented had triumphed. We thought we had triumphed, but in an idle hour, in an evil hour, our outposts were unguarded and the Rebel host rushed in, and when they came in they threw their pickets out. The old skirmishers of the Union Army, the old Boys in Blue, who had watched the doors and attended to the messages of Congress, have surrendered,—surrendered to the foe who but eleven years ago surrendered to them. In went again the old conquered Confederate soldier. Out went the victorious soldier of the Union. Soldier after soldier who had fought that the Union might live was driven from his place. Soldier after soldier, with the old plantation threat on his lips, who had fought that the Union might be destroyed, was put back in his place of triumph. Doesn't it seem as if Samuel J. Tilden, in 1864, spoke the words of prophecy when he said the war was a failure?

"Point me to a city under Democratic rule where the treasury has not been robbed. Point me to a city under Democratic government where the



revenues have not been plundered. Point me to a little patch of land, I do not care how small it is, that has been under Democratic management for years, and I will show you withered fields and blasted political crops. Point me to any place where their policy has had its full swing, and I will show you poor schools, bootless men, shoeless children, and ruined wives.

"They tell us that we have forced upon the nation an ignorant vote, that the black man is ignorant. But the black man knows he is ignorant. He has learned that much. We erect school-houses; the Rebels tear them down. We send teachers; they slaughter them. And yet, with the blood of the innocent citizen upon their hands, and with the smoke of burning asylums and school-houses on their garments, they turn around to this great loyal North, and spit upon their history for the last twenty years, and ask that *they* may be permitted to take charge of our national affairs. More than all that. Not only have they embodied assassination in their creed, but they have, by a reign of terror which is a disgrace to modern civilization and would be a discredit to a Turk, driven every white man from their midst. Farmers of Stephenson County, business men of this thriving city, send your son with his youthful hopes and bounding ambitions to the South. Let him take that free tongue with him, the free thought and free speech which he has enjoyed here, and go there. He goes there in pursuit of an honest living in an honest way. How is he met? Broad-hatted Democratic lawyers demand of him not what he can do, but what does he think. And, if his views on some political question does not agree with those of the worthless men who were born there, he is denounced as a carpet-bagger and shot in the night. I spit upon this cry of carpet-bagger. I believe in the carpet-bag principle. I believe that there is no State in the Union, no foot of soil in all its broad domain, upon which I am not to be permitted to tread, a free man; and where I am not to be permitted to utter what I think. [Applause.] And the man who would deny me that privilege is a sneak, and if it comes into the politics of the nation, the war is not yet ended. I say, throw down every barrier, remove every obstruction, open every avenue of enterprise. Let us have it for God's sake, if we have to fight for it; let us have the largest, broadest freedom of thought and opinion of which any Government is capable. Who are you, what are you, who talk about carpet-baggers? Were you born here? Hundreds of thousands of you are from old fatherland, where patriotic feeling is an instinct with the people,—thousands from the old Empire State. From all the hills and valleys of New England and New York, you have come here, young men, poor men, filled, however, with that unconquerable spirit which is characteristic of a carpet-bagger; and you have reared here the most magnificent empire that the world has ever seen. I say, go on with the carpet-bag spirit. Send it all over the South. Make its fields blossom. Make every swift-running stream active with the wheels of swift-running machinery; develop its mines; increase its resources; develop everything of a material character; educate its people; and then we will have what we will never have otherwise,—a united, homogenous nationality.

"The Democracy have nominated Samuel J. Tilden on a platform which reads well enough, but who is he? I desire to say no unkind thing of Mr. Tilden, but the unkindest thing that I could say of him would be truthful things. Suppose I should say that he was born with a Democratic platform in one hand and a railroad charter in the other (laughter); that, at the early age of twelve years, he was incorporated; that he has had no soul since: that he was consolidated with the Democratic party and run in connection with Bill Tweed as a great railroad wrecker, and great railroad physician, under whose ministrations there have been more corporation funerals, and at whose door have been seen larger processions of corporation hearses, than all the corporations that have ever flourished in all the times before. [Applause.] I ask this simple question of him: Mr. Tilden, where were you during the war? What were you doing during the war? It is an important question for us to ask, I ask the loyal men to-day, whose hearts and all whose sympathies and feelings were with and are with the great cause, where was he? Now and then we have a stray affidavit from some inconspicuous individual that Samuel J. Tilden quietly, modestly, unobtrusively, was, away down at the bottom of his little corporation heart, a genuine, all-wool, yard-wide, patriotic man. I have never found it out. I do not believe in patriotism that is so stealthy. I do not believe in loyalty that is so shy. I do not believe in an emergency as great as that was that made so good a man hide the whole of his patriotism under so small a bushel.

"Take the case home to yourselves. I ask every man here—I ask every woman here—if there was, during the dreadful period of war, in the neighborhood where you live one solitary individual about whose position there was any doubt? Do you know a man so inconspicuous, so obscure, so little known, that had not his position during the war absolutely and clearly defined? And yet, in the presence of this great rebellion, when armies that numbered millions were making the whole continent rock beneath their tread, when the very globe paused beneath the thunders of that mighty conflict, when the whole heavens were reddened with the flames of this great rebellion, this great corporation lawyer, this head of the Democratic party, this head of New York, this Chairman of the Democratic Committee of that State, in the midst of those great perils, never uttered one single word or wrote one single line which betrayed where his sympathies were. Is there a single instance to which you can point where, when the hearts of thousands and tens of thousands of mothers were bleeding for their sons lost in battle, the heart of a mother was comforted or cheered by one single word that Samuel J. Tilden uttered? Where is the widowed wife to-day, where ever has there been one, whose heart has been comforted for her husband, filling some grave in the South, by one single word of cheer that Samuel J. Tilden has ever spoken? And when that contest was pending, when our own hearts were all in our throats, when good men trembled everywhere lest this nation, the sacred custodian of the priceless treasure of free government among men, might die, why did not a man so conspicuous as he stand up when it seemed that the very throne of the Almighty was assailed? Why could he not come out

from his barricade of law books and railroad bonds and lift up his loyal voice and say to the Boys in Blue, 'All hail. God bless you. You fight in the noblest cause that ever lifted up the human heart or nerved the human arm to action.' But no, not one word from Mr. Tilden—not one dollar. And, when the clouds hung over us like a pall, having a free pass upon a railroad, he hid himself to the City of Chicago, and went down to that disreputable Convention, and while the thunders of the great conflict were ringing in his ears, put his name to an infamous resolution which declared that the great war was a failure, and most basely and submissively sued for peace. By the Eternal, if I had a war record of that kind back of me I would rather be a dog and bay the moon,—be a lizard and crawl in the dust,—than to carry a record so damnable and so infamous on my shoulders, and look a loyal people in the face, and ask them to vote for me. [Applause.]

"At that time Rutherford B. Hayes was no Chairman of the State Committee. He held no high place; but he had what was better than a thousand Chairmanships,—a strong arm and a loyal heart. He went where the danger was, and came not home until the danger was past.

"History is slow, but it always in the end makes all things right. It does seem as if upon the threshold of this election all the sacred associations of a sacred, and a holy, and a noble past crowd full upon us to-night. I stood but a few weeks ago at the late mansion of Lee at Arlington, just as the sun was going down behind the hills. Before me were the great, splendid trees. Beyond them the broad river, and beyond it the Capitol, with flags flying, for the Confederate House of Representatives was in session; and back of me were thousands and thousands of the slain heroes of the great Republic. It seemed to me as if there might be some almighty agency that would bid those poor bodies arise from the graves where they have been so long buried, and go down to that Confederate House and shake their long, bony fingers in their faces, and say to them, 'Beware. We fought in a holy cause. We won a noble victory. See to it that no cowardly recreancy shall fritter away the fruits of our victories.' This is a solemn question which presses upon you. History will make these things right. It has called Abraham Lincoln up to its splendid summits, and some of these days it will call the noble, silent U. S. Grant to stand beside him, and Hayes will take his place there too, and, with uncovered heads in the presence of those great and lofty characters, the millions of good men and good women of this world will stand and hail and bless them. And, perhaps, (for it would be likely,) the little, tortuous, crooked, twisted, wiry spirit of Samuel J. Tilden may undertake to corkscrew itself up to those majestic heights where its does not belong, and the Muses of History, looking at the wretched little apology for a patriot, may say, 'Samuel, take off your whitewash; take off your mask; take down your veneering. There is no patriotism in you. Go down among those who sought to obstruct a great nation in its glorious march for the highest eminence of heroic achievement and national renown.' [Cheers for Hayes and Wheeler and for Mr. Storrs.]"

The *Chicago Tribune*, whose report we have adopted, made the following editorial comment upon the speech:

"We surrender space this morning to a full report of the great oratorical effort of Mr. E. A. Storrs, at Freeport, Ill., on Friday evening. It is a searching and scathing analysis of the hollow and fraudulent claims of the Democratic party for a restoration to power, from which it was deposed sixteen years ago in order that the nation might be saved. We commend its perusal to all Republicans, as it will nerve them for the work they have to do; and all Democrats, who are not buried in the mire of party fealty and are capable of accepting the logic of an irresistible argument, can read it with profit."

In the end of September and first week of October, Mr. Storrs stumped the northern part of the State of Ohio, addressing large meetings at Cleveland, Sandusky, Toledo, Mansfield, and Ashland. In a letter to Hon. Zachariah Chandler, dated October 5th, he says:—"It is very strange, but it is true, that my speeches seemed to give satisfaction. I was at three meetings with General Sheridan of New Orleans, an excellent speaker and a very pleasant man to speak with. I am head over heels in law work, but am speaking occasionally evenings." To the Chairman of the Ohio State Central Committee, Hon. A. T. Wikoff, he sent the following account of his tour:

"Since my return from Ohio I have had not one moment's time to write you concerning my short tour in your State. Generally, I will say that it was exceedingly gratifying to me, and the meetings were all substantial successes. We were unfortunate at Cleveland, as the rain interfered, and we began very late at Toledo; but I found the old spirit, and at every point most attentive audiences. I am very partial to indoor meetings, and found in every instance such a degree of earnest, zealous listening as is rarely witnessed in political discussion."

Returning to Chicago, Mr. Storrs again addressed an enthusiastic mass meeting in that city. Being one of many speakers on this occasion, his remarks were brief. The report of his speech is as follows:

"This vast and magnificent audience assembled here to-night is a complete demonstration, if any were required, that the old Republican party which has fought so many battles, achieved so many magnificent victories in the interest of good Government, is stronger and more powerful to-day



than it has ever been before at any time in the period of its history. [Cheers.] It had a great mission during the war. It has had a great mission since the war. Its mission since the war has been to convert the Democratic party. [Laughter and applause.] And how splendidly it has succeeded is evidenced in the fact that in their last platform of principles they unhesitatingly declare that they are opposed to stealing. [Renewed laughter.] Within twenty-five years we expect to get them to ratify the whole Decalogue. [Shouts of laughter and applause.] Think of it! The Democratic party opposed to larceny! [Cheers and laughter.] And in favor of reform! [Great merriment.] A party not satisfied with stealing trivial things, but that runs off with a whole State. [Laughter.] A party that undertook to force the nation to steal the Government, opposed to larceny! [Laughter.] God save the mark! [Renewed mirth.] I desire to enlarge the proposition of the next Governor of this State. He insists that the only question before us is, 'Who are the best men for President and Vice-President of the United States?' It is a broader question, a more serious question. The question is, Which of the two parties is the safest to be intrusted with the management of our national affairs? [Applause.] If you took the Blessed Saviour and put him at the head of the Democratic party, elected him its President, with its feeling, its history, its traditions, its spirit, he would be absolutely helpless for the accomplishment of reform. [Cheers.] I am opposed to the Democratic party because it has a consistent, unvarying record, injurious to the best interests of the people, and destructive if carried out, of our national existence. I am opposed to the Democratic party because it sought the destruction of our cause, and I don't believe it wise to intrust the affairs of a great empire to the members of a political organization within ten years after they sought to annihilate it. [Applause.] The logic is short, it is clear, it is plain, it is unmisunderstandable. I am prepared to accept with certain qualifications their protestations of repentance, but the repentance has not been long enough.

"I want them to be engaged in good works as long as they have been engaged in bad works [laughter], and if we wait for the expiration of that period of probation, we will be dead, and our children afterwards, before the Democratic party succeed to power. [Laughter.] Mr. Tilden is in favor of reform. Mr. Tilden—bless me—is in favor of an undivided nationality. The Democratic party is in favor of purifying the civil service of the Government. How do they propose to do it? Have they told you? They are in favor of an honest currency. What currency do they propose to give you? Have they told you? They say they are in favor of the resumption of specie payments. How are they to resume? Have they told you? Their platform is full of derunciations from the beginning to the end, and the curious feature of the platform of 1876 is that it denounces every Democratic measure since 1860. [Applause.] They insist upon it that the Republican party which they arraign has impeded that desired result. What financial policy has the Democratic party had since 1860? None whatever, except in 1868 they did invent a platform and put forth a principle insisting upon it that the national debt should be paid in greenbacks, a policy that would



have resulted in the repudiation of the national debt and the destruction and swamping of every national interest.

"They insist, as I have said, that the civil service shall be purified. How? By putting them in office? I ask you to run back through the history of that period, not while they have been in power,—but yet their leading men have been in office,—and give me the name of a single leading man belonging to the Democratic party anywhere who at any time has proposed any measure for the reform of the Civil Service. When? Where? ('Tilden,') I will talk about him presently. You cannot guess these conundrums. No single living Democrat occupying a prominent political position since 1860 has proposed a scheme for the reform of the Civil Service. They have had the power this winter in one branch of the National Government. How have they reformed the service? No measure has been introduced for that purpose. They have had control over the appointments, and such a raft of Confederates, believing that the Lost Cause was finally won, was never before seen as gathered in that City of Washington to catch the crumbs that might fall from the Speaker's table. Tray, Blanche, and Sweetheart, sutlers, commissaries, privates, and officers in the Confederate service from the beginning to the end, knowing that their victory had finally been achieved, rushed to Washington by countless hundreds and made night hideous by their howls for place, demanding the reward of their services. They got it. They got it. Fitzhugh was appointed Door-keeper. He is 'a bigger man than old Grant.' [Laughter.] Bounced because his shameless incapacity became so conspicuous that no one could overlook it. What became of his subordinate who knocked down his grocer because he presented a chivalric Confederate of the South a little bill of which he had so long neglected payment? Take the entire machinery of this Confederate House of Representatives and see how they have reformed it; and to-day, as I am assured, the nation is filled with tramps, Confederate applicants for office, hoofing it for home after they have been disappointed. Now, then, gentlemen, suppose that instead of this accession to power being confined to one branch, it had taken root in all. Do you believe for one moment that the personnel of our civil service would have been improved? I am told that Tilden has improved the civil service, or proposed to. When? Where? Where, during the most trying period through which this nation or any other nation ever passed, was the great reformer of 1876? Filed up in a safe, secured behind barricades of law-books and railroad bonds. He peeped out from the corners of his safe and returned, singing that the result of the war was a failure, and humbly beseeching a treaty of peace. Manton Marble says that Mr. Tilden is not responsible for that peace resolution. Manton Marble is wrong. In 1864 Mr. Tilden quietly slid out of his office, and joined the congregation of Confederates that met here in the City of Chicago. He came here, preceded by Isaiah Rynders and his band of New York Short-boy Reformers, marching up and down the streets of Chicago with their ears bit off and their noses broken, carrying the olive-branch, without clothes enough on them to wad a gun, and bellowing against oppression. [Laughter.]

"Samuel slid himself into the Convention, and was placed upon the Committee on Resolutions. While the Convention became restive under the long period of time that they were waiting, Mr. Tilden, as the records of that Convention will show, rose in his place in the Convention, and as a member of that Committee assured the Convention that the Committee had all agreed on their resolutions and that they had simply been passed over to a sub-committee for revision—the peace resolution and all, the most infamous resolution ever flitted in the faces of a free people. That resolution, Mr. Tilden said in this city, in 1864, the entire Committee had unanimously agreed upon, and that language stands in the record against him, Marble to the contrary notwithstanding. [Cheers.] That is the history. They ask us, 'Will you shake the bloody shirt?' Who is responsible for the blood on the shirt? [Laughter.] Whose blood is it? I would not as a Republican, and, as I think, as a patriotic citizen, needlessly engender the bitterness which the war brought about, but if I am to choose, and my thousands of fellow-citizens who surround me to-night, if you are to choose—if the choice is to be laid between the boy who shed his blood that your nationality might be preserved, and the man who shed his that it might be destroyed, no gushing talk about shaking hands over the gaping chasm will make you hesitate long about the decision. [Cheers.] You can call it the bloody shirt or not, as you please. First, last, and all the while! As long as I have the capacity to distinguish the difference of men when public benefactions are to be bestowed, I am, thank God, in favor of giving them to him who fought that the nation might live, rather than to him who fought that the nation might be destroyed. [Cheers.]

"The Democratic party says to us, Let the dead past bury its dead. They have an extreme reluctance about their record. If we had a record like theirs, great God, would we not be ashamed of it as they are? [Laughter and cheers.] If they had a record like ours, written with all its glories by the finger of Almighty God in letters of fire against the sky, that all the world might read it, would not they combine together and rejoice, and be justified in doing so? [Cheers.] Take the glorious old party of the nation—the old party of freedom which when it first came into existence crystalized about itself the hopes and loftiest aspirations of the country. See how it made, with its first success, a Republic unparalleled in history! See how it sent conquering legions, thousands and hundreds of thousands and millions, into the field! See how it saved its great nationality, the sacred custodian and the priceless treasure of free government for all the world! [Cheers.] See how it lifted 4,000,000 of human beings from the night of barbarism and slavery into the pure atmosphere of American freedom. [Loud cheers.] And see how, having made them free men, it made them citizens and boldly took and clothed them, thank God, in all the rights and privileges of citizenship. The old party four years ago stood a perfect storm of slander and calumny such as no party ever before encountered, but it said, 'We have made you freemen, we have made you citizens; we will clothe you with all the privileges which others enjoy, and if in the States where you live the privileges enjoyed

under the Constitution are denied to you, this great nationality that to-day, thank God, we call the United States of America, coming from the clouds where its head has been among the stars, will with its strong arm do for you, the poorest and meanest citizen of the soil, what your State refuses to do for you.' [Vociferous cheering.] That is the record of this party.

'It found a currency almost worthless; steadily, gradually, and surely all the while it has been appreciating its value. It has made here a nationality greater and more powerful than the world ever saw before. [Cheers.] Yet we are told—told by Senator Doolittle last night, and I speak of him with terms of the highest respect—that the party has been ruined because it passed a legal-tender act and pledged the faith of the nation that the 5-20 bonds should be paid in gold! They pick out an instance here and there where a Secretary has fallen from grace, and they say, 'Behold our Reformer, Mr. Tilden; see what he has done. Didn't he crush out Tweed?' Way back in 1864 the cordial relations between Tweed and Tilden could hardly be described. Way down to 1865 they were like brothers. In the election of 1868, as Chairman of the State Central Committee of New York, Mr. Tilden devised a plan by which the votes of that great State were wrested from Grant by the most gigantic fraud that was ever practiced upon a people, and given to his adversary. This Mr. Tilden, the Reformer, after having for years and years come at the beck and call of Mr. Tweed, after Tweed had been exposed by the Republican press and the Republican party, jumps on to the carriage when it is all ready to go and the streets in order for travel, and takes a ride on it at Republican expense. [Loud cheers and laughter.]

"Who tried Tweed? Let us have it out. Tweed was tried by a Republican Judge, before a Republican jury, prosecuted by a Republican Attorney-General, convicted in the good old Republican way, sent to a Democratic jail [laughter], in charge of a Democratic jailer, and escaped in the old Democratic style. [Renewed laughter.] Thus ends that lesson of reform. [Cheers.] Now, gentlemen, I had not intended to speak here until late this afternoon, and I am going to talk no longer. [Cries of 'Go on.'] But I do feel magnificently assured by this magnificent demonstration here to-night—a grander one Chicago never witnessed, a more hopeful and inspiring one this people never saw. It is a sure presage of victory. It indicates with absolute certainty that with such men as we have at the head of our ticket—our candidate for President, fighting in an earnest capable way the battle of the people in the front, while Tilden was back in the rear,—with such leaders we deserve success, and animated and encouraged by the old spirit I believe we will have success. [Cheers.] And now, gentlemen, three cheers for Hayes and Wheeler.

"The crowd gave an enthusiastic response, and Mr. Storrs retired."

## CHAPTER XXV.

### "CONSTRUCTIVE CONTEMPT" AND "TRIAL BY JURY."

THE CASE OF WILBUR F. STOREY FOR CRITICISING A GRAND JURY—MR. STORRS' VIEWS UPON THE SUBJECT—HISTORY OF THE LAW OF CONSTRUCTIVE CONTEMPT—ILLUSTRATION OF POWER OF LUCID YET COMPREHENSIVE INTERPRETATION OF A LAW QUESTION—INFLUENCING A JUDGE—A LECTURE ON THE ORIGIN, HISTORY, AND MERITS OF THE JURY SYSTEM.

"I am old-fashioned enough to be a thorough believer in the determination of all questions of guilt or innocence by a jury. Investigation of the history of English law-development, has satisfied me that judges clothed with anything like arbitrary power were infinitely more dangerous than juries, and that the doctrine of constructive crimes was judge-made law, as mere creations of judicial invention." These words were uttered by Mr. Storrs in March of 1875, in response to a request by Wilbur F. Storey, the famous, but now deceased editor of the *Chicago Times*, for his opinion of constructive contempt.

Judge Williams of the Circuit Court of Cook County, Illinois, had taken umbrage at some severe criticisms which had appeared in the *Times* directed against the character of a grand jury, by which some members were styled "bummers" and "vagabonds;" and had issued a rule against Mr. Storey to show cause why he should not be punished for contempt. The proceedings, novel in modern courts, excited much comment in the legal fraternity and in the general community. The press, editorially and by comments of the readers, had always in Chicago expressed in the freest manner opinions upon jurymen, indictments, and verdicts. If a representative journal was to be punished for criticism upon the grand jury, if such criticism was made with an honest purpose to expose corrupt practices, to what degree of severity could

not a court punish anyone who in private or public might, to the knowledge of the judge, talk boldly upon the subject of the verdicts, for instance, of a petit jury; for the duties of a petit jury are much more important and serious in their character, after all, than those of a grand jury. The latter simply presents the indictment, the former tries and determines the question of guilt or innocence. The press throughout the West took the ground that the due administration of justice is promoted by exposing corruption either in judges or in juries, that there was no means of exposure equal to freedom of comment by the press, and, as was argued before Judge Williams himself “to shut the door against an investigation into the truth or falsity of the charges would be to throw a barrier about corrupt jurors, and to protect them in their corruption. If the particular juror feels aggrieved, let him proceed in the usual way by indictment or civil suit for libel. The truth then will come out. If he is innocent, he will be vindicated; if he is guilty, he must suffer as he deserves.” As was usually the case, whenever any public topic arose, the opinion of Mr. Storrs was instantly sought for publication, and, as the question will for many years to come be of fresh importance, Mr. Storey’s report of an interview published the morning when the question was adjudicated, especially as the interview is a capital illustration of the crisp and direct power Mr. Storrs possessed to review and express himself, merits copious quotation. In reply to a question as to where the doctrine of constructive contempt had its greatest growth, he said:

“The doctrine flourished amazingly in the English courts for hundreds of years. Thousands of victims, innocent of any actual offense, perished at the stake and on the scaffold and at the block under it. An effort was made to transplant this species of judicial barbarism to our own country, and in such dread was the doctrine of constructive treason held, and so serious were the apprehensions of the people as to the extent to which judges might be inclined to carry it, that an end was put to this question of purely argumentative treason by incorporating in the Constitution the solemn declaration that there should be no punishment for such a crime as that of constructive treason. For hundreds of years, writers and speakers were subjected to punishment under informations for libel, not upon the ground that their utterances or that their writings were in fact libelous, but that they were constructively so, and hence whether they were libelous or not depended not upon any fixed rule of law, but upon the freak of a judge to carry his doc-



trine of construction to its utmost possible limit. . . . To a certain extent this relic of a half barbarous age still exists in England. It is happily abolished in this country, and no man can be convicted of the crime of libel unless he has actually been guilty of the offense; in other words, he cannot be construed into guilt. Not content with determining questions of fraud upon the exact facts proven, the courts adopted the ingenious method of finding fraud constructively, and though a man's intentions might have been never so pure, and his purposes never so honest, yet the ingenious judge would make an absolutely honest line of conduct fraud by construction. This line of judicial mis-reasoning is also rapidly passing away with the torch and the thumb-screw, and in but a few years we shall find nothing of it except what we see in museums dedicated to the preservation of unused and worn-out atrocities. Judges have ever been particularly anxious to maintain and preserve what they call their dignity. Many of them have seemed to be laboring under the impression that the respect in which they were held by the public depended not so much upon the manner in which they conducted themselves as judges, as upon the fear which they might excite sufficiently to restrain any criticism upon their judicial conduct. . . . Out of these mediæval theories of constructive crime, and running along in parallel lines with them, has grown the doctrine of constructive contempt. No exploded legal fiction has ever fallen into such utter actual contempt as the doctrine of constructive contempt. It is quite as dangerous as any of the other species of constructive crimes to which I have referred. Indeed it is more so, for from the opinion of the judge who thinks that either he or his court has been brought into contempt by a criticism upon it, there has been no appeal; and no despot ever reigned in any age or in any country whose power was more uncontrollably absolute than the power of a judge when called to pass upon the correctness or the integrity of his own judicial conduct. It is hardly necessary to elaborate upon the injustice of this rule of law."

As to who were the judges first to apply the rule of constructive contempt, he answered:

"It is curious to note the source from which the doctrine of constructive contempt, now so much relied upon, proceeds. It found its origin, not among pure judges, but among corrupt ones—among the most corrupt judges of a corrupt age. It is safe now to tell the truth of Lord Chief Justice Billing. He is dead and has been dead for three or four hundred years. The world holds him and his memory in utter contempt. The contempt is not constructive but actual, no more actual than the contempt which fell for him at the time he occupied the bench. But Chief Justice Billing, who was a mere elastic tool to a corrupt king and a corrupt court, would brook no criticism upon his conduct. Whenever it was brought to his ears, he summarily brought before him those who had seen fit to speak in terms of criticism upon his arbitrary rulings, and punished them under the doctrine of constructive contempt, without a why or a wherefore. He is one of the founders of the law of constructive contempt. . . . It is safe to speak of Sir Robert Tresilian,

who was beheaded for his crimes in 1389. He had been for many years Lord Chief Justice of England. His biographer says of him that he was utterly ignorant of law, but yet he had the most supreme opinion of his own dignity and of the dignity of the position which he held.

"Although he violated every idea of constitutional liberty in Great Britain, he would brook no criticism upon the corruption of his official conduct, but summarily punished for contempt his critics wherever he could find them. We credit him also as being one of the authors of the doctrine of constructive contempt. Many of those distinguished judges who infused into the doctrine of constructive contempt all the vigor which it ever possessed, and all which it now possesses, were beheaded or otherwise summarily disposed of. The people would at last get the upper hand, and, however much they might have been punished for the constructive crime, they finally gave an actual and very practical exhibition of the opinion which they entertained of the judge who had thus punished them." . . . "Chief Justice Hyde was a bright and shining light in the history of the English judiciary! He was absolutely furious in his efforts to suppress what he called the licentiousness of the press. He was as fawning and suppliant a creature of the crown and his royal master as any spaniel that ever licked his master's boot. Criticism of any act of the government (whose tool he was), even of the mildest character, assumed in his eyes the crime of constructive high treason, and he punished it accordingly. Criticism of his own conduct in those cases, because entirely innocent, he called 'constructive contempt,' and he punished those offenses as he designated them accordingly." . . . "Chief Justice Kelynge has probably more often been cited in his country in support of the exercise of some arbitrary right than any other of the English judges. A more truly subservient and corrupt judge never lived. He compelled jurors to convict under his charges of constructive crimes, and if they did not convict as he desired, he fined and imprisoned them, holding that, in the not following his charge, they were guilty of contempt—constructive contempt. On one occasion he fined an entire jury, and imprisoned them because they brought in a verdict against his direction. This, he argued and insisted, was a constructive contempt of his dignity as Lord Chief Justice of England. The list is a long one, and I need not pursue it further, but it is hardly to be expected that from a source so foul any very clear stream could flow."

After commenting upon the fact that the American people would not tolerate the doctrine of constructive crime of any nature and that particularly they are not disposed to repose in the hands of any one man the arbitrary and uncontrolled power of himself determining whether the offense of which the party brought before him is charged is an offense or not, beyond all power of redress or appeal, he said in relation to the right of newspapers to criticise grand juries and the action of judges:

"The right to criticise the conduct of public officers of any character,

judicial or otherwise, is now as thoroughly settled as any principle of law ever was. Judges and jurors are public officers in this sense. Their conduct as such is the legitimate subject of newspaper remark and criticism. For such criticism the editor is not liable, is not holden to absolute infallibility of judgment. The law requires of him nothing but integrity of purpose. If infallibility of judgment was required, free criticism would be at an end. The last grand jury were a public body, and while their sessions were held in secret, the result of their deliberations was made public the moment the indictments which they had found were presented to the court. Upon the justice or injustice of the course which they pursued; upon the integrity of the motives by which they were actuated in reaching the results which they did reach; upon the general intelligence and judgment which they had evinced in their deliberations, as evidenced by those results, every citizen, in print or out of print, had a right to comment. If in finding certain indictments that grand jury was actuated by motives personal in their character, if spite influenced their deliberations and directed their conclusions, the public should know the facts, and through no other agency than that of the newspaper press could the public well be advised of the facts. Grand juries have been in this city summoned and organized for a specific purpose, for the purpose of finding particular indictments against particular individuals. This practice should not be tolerated. It subjects the reputation of every citizen to the caprices of an utterly irresponsible body, and if no word of comment or criticism can be passed upon them or their doings, such a thing as freedom of speech or of the press does not here exist. The question is not, whether the criticisms which the *Chicago Times* passed upon this conduct of the grand jury referred to were sound or unsound. With that question Judge Williams has no business to deal. He does not occupy his place upon the bench for the purpose of deciding any such questions. He would, were the question fairly presented to him, be driven to the necessity of holding that the conduct of the grand jury might be criticised, and holding that the propriety of the criticism must pass to the decision of another tribunal. If the criticism were malicious, utterly unfounded, without ground to support it, the critic can be punished. If it should turn out that the criticism were in fact unfounded, but that the critic had a right to believe and did believe at the time he passed his censure that they were well founded, then is the critic justified."

... "I can imagine such a case as a direct interference by a newspaper, pending a trial, with the trial itself—an attempt by malicious attacks upon either court, jury, or counsel to influence the verdict. This would probably be called a constructive contempt. It would in fact be an *actual* contempt, although not committed in the actual presence of the court. But to criticise or denounce the action already taken of either a grand or petit jury may be libelous, and if so should be determined by a jury. It is not a contempt actual or constructive. The articles complained of in *The Times* were, as I understand, all published *after* the indictments had been found and returned into court. And if *The Times* maliciously defamed the grand jury, or any of its members, it can be punished in the usual way by a full

examination as to the truth or falsity of its charges. The trouble and the danger is that in proceedings for contempt the question of the truth of the alleged defamatory matter cannot be inquired into, and a journalist may be imprisoned for saying of a jury that in a particular case it rendered a corrupt verdict, even though every man upon the jury had received a bribe. Under such a rule the press is gagged and even the most corrupt jurors are shielded from criticism, exposure, or punishment. Judge Williams cannot intend to decide those questions, and yet, in an effort to punish *The Times* for contempt of court, that very question he must decide. It is idle to say that the articles complained of were an interference with the due course of the administration of justice. The acts of which complaint was made were complete when *The Times* undertook to censure them. The indictments had been found, and *The Times* expressed, and claims that it had the clear right to do so, its opinion of the grand jury, and of its action. Possibly Judge Williams may deem it his duty to punish *The Times* for a constructive contempt of his court and its proceedings. Possibly he may think that this expression of my opinion is an interference with his judicial functions, but if he reaches either of these conclusions he will place himself alongside of and in company with, not those great names who have given character to the administration of justice by their learning and by their integrity, but with those venal and corrupt judges who have left an indelible stain upon the history of the common law. He cannot prefer the society of Kelynge and Hyde and Tresilian and Jeffreys to that of Holt and Raymond and Hale and Mansfield. The selection rests with him."

The result of the issue before Judge Williams was that he at last saw fit not to inflict punishment upon Mr. Storey, and afterwards he stated that had "an idea that Mr. Storrs' clear-headed talk perused after breakfast" before going upon the bench of adjudication "had something to do with it." The law school of the Northwestern University, immediately after this public agitation, solicited Mr. Storrs to lecture upon the "Origin, History, and Merits of Trial by Jury." He complied, and early in February, 1876, delivered an interesting lecture upon this subject. After having discussed the origin and history of jury trials, he touched upon the merits and defects of the system, arguing that, while jurors frequently erred, yet that no better system for the trial of questions of fact had ever, as experience demonstrated, been devised. That we have at times incompetent, ignorant, and, perhaps, corrupt jurors—he claimed—proves nothing against the system. Precisely the same line of reasoning would lead to the overthrow of our entire judicial system, for, taking the country at large, there can be found many ignorant and incompetent and a few corrupt judges.



"That we have unfit men for jurors," he continued, "falls far short of proving that we ought to dispense with jury trials. I insist that if proper care were taken in the selection of our jurors, many of the evils of which we complain would be removed, and that the fault has rested in some measure, at least, upon the courts who are frequently too ready to excuse from service upon juries competent and intelligent men who have been summoned for that purpose." . . . "Our system of delivering to the jury written instructions prepared by counsel also tends to mislead and confuse them. These instructions are in the nature of abstract legal propositions. All taken together they scarcely if ever furnish a complete view of the entire case. Prepared by counsel, they are intended to present simply so much of the law as will be advantageous to them. The result is that they are often conflicting, and darken rather than enlighten the judgment, and furnish no solid or satisfactory basis upon which the jury may stand in endeavoring to reach a verdict." . . . "That even good judges do under the present absurd system give conflicting instructions is too well known to every practicing lawyer to require proof. Cases of that character abound in our reports. The Supreme Court of this State, in a case reported in the 63 Illinois Reports, commenting upon the instructions given by the Circuit Judge, say: 'These instructions are in direct opposition—what could the jury do? They must select between them, and they probably relied upon the first instruction. This was not the law, and was in violation of the statute.' Again in 61 Illinois Reports, 388, the Supreme Court, criticising the instructions by the Circuit Judge, say: 'But even had it stated the rule correctly it would only have contradicted the first instruction, and it would not have appeared which the jury followed.' These are by no means isolated cases. They are of very frequent occurrence. Either of the Circuit Judges who gave in the cases referred to these conflicting instructions was quite capable of writing a clear and consistent charge to the jury. Moreover, were this duty imposed upon the Court where it belongs instead of being shifted to counsel where it does not belong, the Court would be compelled to give much closer attention to the trial as it progressed than they now do, and would understand both the facts and the law infinitely better."

The question of abolishing the system of juries is so grave and existent that, now as then, the presentation of the position, and the advanced grounds of such a position, of so successful a lawyer, both with jury and judge, cannot but interest all classes. One reference in this lecture to the groundlessness of the statement that the larger portion of appeals from jury trials in the lower courts are reversed and remanded by supreme courts, with consequent increase of litigation and expense, was as follows:

"In the Sixty-first Illinois Reports there were fifty-six cases reversed. Of these, three were reversed on the ground that the verdict of the jury was against evidence; two were reversed because the finding of the Court was



against evidence; and fifty-one were reversed because the Courts erred in rulings upon questions of law. In the sixty-second volume there are reported eighty-two reversals. Of these, four were reversed because the verdicts were against evidence and seventy-eight on the ground of errors committed by the Court. In the sixty-third (the last) volume of our State Reports, there are eighty-one reversals. Of these, ten are on the ground that the verdict of the jury was against evidence. Eight cases tried by the Court, a jury having been waived, were reversed on the ground that the findings were against evidence, and sixty-three because of errors committed by the courts in rulings upon questions of law. Thus, out of an aggregate of 219 cases reported in the last three volumes of our State Reports, 202 were reversed for errors made by the Judges.

"The record certainly does not furnish very strong reasons for abolishing jury trials and submitting the determination of questions both of the law and of fact to the Courts. It would rather seem to indicate that, while we are engaged in the work of reform, it is barely possible that the Bench may be improved.

"I now advocate as complete a severance as possible of the functions of Court and jury, confining the jury exclusively to the determination of questions of fact and the Court to the divisions of questions of law. I am well convinced that the interests of justice are conserved by observing these distinctions, and that in the long run nothing but harm will ensue from either Court or jury trenching upon the province of the other."

After exhaustively tracing the judicial history of England through a period of three hundred years, until the jury stepped firmly between the Crown, represented by the judges, and the rights of a free press and free speech, he proceeded:

"Our own country furnishes abundant examples of appointments to judicial positions as a reward for political services already rendered, or with a view to judicial services to be rendered." . . . "It may, however, now be truthfully said that our Judges are, as a rule, eminently upright, pure, and incorruptible men. But they are swayed by the same motives which influence other men. The possession of unlimited power would render them dangerous and despotic, as it has others; and if we would continue our judiciary pure and upright we will withhold from them the power to decide the facts, or to interfere with juries in the decision of those questions."

## CHAPTER XXVI.

### SOME GREAT CRIMINAL TRIALS.

TRIAL OF RODOLPHUS K. TURNER FOR FORGERY—CONTENTS OF A FORGER'S TRUNK—TRIAL OF FIVE COUNTY COMMISSIONERS FOR FRAUD—HOW A YOUNG CLERK KEPT CHECK ON HIS EMPLOYER—AN ARSON CASE GOTTEN UP BY AN INSURANCE COMPANY TURNS OUT TO BE A MALICIOUS PROSECUTION, WITH BLACKMAILING FEATURES.

THE year 1877 was a busy one for Mr. Storrs. In addition to his labors in winding up the Chicago whisky cases, he was engaged in the trial of an unusually large number of important criminal cases, which attracted much interest at the time, and each of which occupied several months in preparation. So far as results were concerned, he worked harder that year than in any other of his professional life.

The first case was that of a young Quincy lawyer named Rodolphus K. Turner, accused of being accessory to, and having procured, the forgery of title deeds to property. The title to this property was in litigation in a Chancery Court in Chicago, and was claimed by a lawyer named Hill. Mr. Turner produced deeds showing a conveyance to him of various tracts of it, and others in which the title was traced through his grantors as far back as the original Government patents. Mr. Hill claimed that these were forgeries, and Mr. Turner was indicted and tried in the Cook County Criminal Court. The prosecution was assisted by Hon. W. H. Barnum, who had been Mr. Hill's solicitor in the chancery proceeding, and for the defence Mr. Storrs appeared along with the Hon. O. H. Browning of Quincy. The testimony was of a most sensational character, and proved a long train of forgeries perpetrated by a man named Reid, in whose trunk were

found implements for forgery, including bottles of different shades of ink to suit the pretended age of the document, and copies of the seals of the different States in which the alleged conveyances were made. There was proof that Turner had been in consultation with this man Reid, but his employment of Reid, or his guilty knowledge of his doings, was not made out to the satisfaction of the jury. The proof was enough, however, to create a doubt in their minds. His brother, who was indicted along with him, was acquitted,—anything that he had done having been done at the instance of Rodolphus; as to the latter, the jury disagreed, and no further proceedings were taken against him.

The next was the trial of five of the Commissioners of Cook County on the charge of defrauding the county in the matter of contracts for supplies for the county institutions. A member of the Board had been taking contracts in the names of his clerks, with the connivance of other Commissioners, who used to meet and divide the profits after the bills had been audited and paid, and who were known as the "Bean Club." Their proceedings leaked out through the fear of discovery on the part of the warden of the poor-house, and four or five weeks were consumed in a tedious investigation, involving minute book-keeping details. Mr. Storrs was retained by the county to assist the State's Attorney, and the trial resulted in an acquittal of the implicated Commissioners, who, however, were soon thereafter retired to private life.

Mr. Storrs' argument in this case was a splendid effort, and it is to be hoped will some day be published in full. Only an outline of it can be given here. He first addressed himself to the exposition of the law of conspiracy, under which the defendants were indicted. He said that this case involved directly the question whether the people had any control over their servants. A conspiracy among public servants to defraud the public was, in his view, infinitely more dangerous than an isolated case of defrauding the public, where the individual must take his chances of detection. Here was a combination formed for the purpose of regularly and systematically defrauding the public; and a most important and dangerous feature of his corrupt arrangement was to provide against detection at the outset, by including within the combination those whose duty it was to detect and prevent

it. Judge Smith, who was one of the counsel for the defendants, had made an appeal to the common law on this point, and Mr. Storrs said:

"The man does not live who can tell you exactly what the common law is any more than he can tell you what the English Constitution is. It is in no book. It is in no number of books. It is partly tradition, partly statute, partly custom, partly decision, and the balance conjecture. Under this old common law, they used to try cases by wager of battle, and yet brother Smith tells you that the common law was the perfection of reason. This old common law used to hang people for larceny.

"This old common law has its chief element of wisdom in the fact that it continually changes to adapt and adjust itself to the growing necessities of the age, and this statute is right in the line of the spirit of the common law, for if there is anything true as an historical fact it is that our greatest danger is from official corruption. We are a tax-ridden and a tax-robbed people. We are tax-ridden and tax-robbed because the politician, the political adventurer, the contractor, the schemer, combines with the official to rob and plunder the public. There is not a department of the public service, National, State, or City, in which these dangerous conspirators have not entered; and if there is any one great cause to which the depression of our trade and of the legitimate industries of our country may be traced, it is that, entering every avenue of the public service, alarming and dangerous conspiracies of such a character as the one here charged have corrupted the very springs of our public life. That burden, rob, plunder the public. I don't say that these defendants have done that. I am speaking of the general nature of this charge, because I desire to impress upon you the gravity and importance of the case and of the question."

One of the clerks of the implicated Commissioner had kept a pass-book, in which he had noted down the orders from the county, the quantities actually supplied, and the quantities charged for. Commenting on this book, Mr. Storrs discriminated between the young man who had allowed himself to be made the tool of his superior, and the Commissioner who had betrayed his public trust. The clerk had been indicted as an accessory:

"This book is precisely what he claimed it to be when he was before that Grand Jury. It is a record tremendously telling and decisive in its character of the great and awful fact for the first time displayed with absolute certainty, that during these years this County was plundered right and left by as unscrupulous and as wicked a ring as was ever organized. They say however this book was kept for his own protection. Quite possible.

"Now the knowledge of Carpenter was not a merely passive knowledge. It was not such a knowledge as a stranger might have who would have blundered into that store and seen ten barrels of sugar brought down, and only five sent. It is an active participating and assisting knowledge.

It is an indispensable knowledge, and the assistance which he rendered was absolutely indispensable in order that the scheme might succeed. Nor was this merely an isolated instance. Why, this book tells a fearful story when it is matched with this testimony. Beginning on the 1st day of July, it runs straight along every single month, without a single exception during that entire year. Here is this memorandum of the goods and property of which the County of Cook was plundered: not an isolated case of robbery, but a consistent, steady-going, regular, unintermitting scheme of plunder. Now, in view of this state of facts, as this book discloses a consistently pursued, scheme, what have you to say about the crime of Conspiracy, as compared with the crime of an independent larceny? A man who steals from one man commits a crime; but those individuals who conspire and agree together not that they shall steal once, but that they shall rob continuously, having organized a system of crime, which in the earlier and better days would have defied belief, and the execution of which in cases of this character is utterly impossible without the active connivance and assistance of the officials.

"Gentlemen of the Jury, do you think that the statute is a little harsh? The story that that book tells, coupled with the statement of Carpenter discloses a danger and peril from which every good citizen will recoil in terror, and for protection against which we have no relief except in the Courts which are all that is left, that is pure and uncorrupted. It is the history of these great combinations, that they carry their operations, not merely into the administrative parts of the Government but elsewhere they have mounted the bench, and dragged down the Judiciary to their corrupt level. Hence it is that here this case possesses the transcendent importance which I have already indicated. Here for the first time a fair trial is to be had; here for the first time has a gross, a corrupt, an organized gang of public plunderers been brought into a struggle of life and death with the public whom for these long years they have been plundering, and it is a pretty serious question what the result of such a contest shall be. I have no sort of disposition to pursue Mr. Carpenter, not the slightest feeling of vindictiveness against him, not a particle, as you will see presently; but this is not a tribunal of sentiment. This is not an eleemosynary concern. We are here engaged in a very manly business, that of administering justice, and I hope that we have finally passed through this unhealthy and unnatural period of sentimentalism characteristic more of the school-girl, than the full grown man—a jury which would lament the sorrows of Captain Kidd, which would sigh over the griefs of the beautiful bandit, and which would mourn over the sorrows of the black-eyed pirate.

"Gentlemen of the Jury, it is high time for the exercise of some masculine virtues. Here is this young man, guilty. His interests, and the interests of society absolutely demand that you should say so; but, in determining the extent and measure of his punishment, I think that your regard should be had to the consideration that he was the weak and trembling, and helpless tool of Periolat.



"He kept this book for his own protection he says. I will tell you what I think he kept it for. He knew the reckless character of that gang and of its head. He kept this memorandum thinking that possibly the time might come when by means of that little book he might put his thumb upon Mr. Periolat, and exercise a little coercion over him. Now I submit to you if that was not the reason he kept that book? Why it is just as clear, and just as plain that Carpenter, assisting in these great crimes, made up his mind that the time might come when he would want perhaps to squeeze Periolat.

"He made his memoranda and never told Mr. Periolat or Mr. Korsythe about it. He took it home and kept it there, as you would keep an old family tea-pot that had come down through generations behind you.

"He is a young man; I want to see him detached from this ring. I want to see Mr. Carpenter, who has something of a future before him I hope, break with this combination and make some new associates; and I want to see him do it, by ranging himself on the side of the people, where he belongs. A fine within the limit of his means is pretty good notice to Mr. Carpenter and to all other young men, notice sufficient that there is a higher duty than that which an employe owes to any one man. It is the supreme duty which every honest man owes to the interest of the great community in which he lives. With these observations on Mr. Carpenter, I will leave him in your hands."

During the closing arguments in the case, the lawyers got into a dispute as to whether certain documents had been properly put in evidence or not. They were essential to the case for the State, and the failure to get them into the record would have been of great service to the defence. Mr. Smith contended that they had not been formally offered and admitted; and Mr. Storrs, with equal pertinacity, insisted that they had. Finally Mr. Smith, drawing himself up to his full height, exclaimed, "Well, if my word is not as good as that of Mr. Storrs any day, I propose to leave the county." It was laughable to see Mr. Storrs get up, in his dry, cool way, and at once respond,— "Good bye, Smith;" and then, turning to the jury, say, "Friend Smith is going to leave the county."

The jury found the defendants not guilty, but this did not save them from the verdict of public opinion, which was very emphatically pronounced at the next election.

Another case which excited much comment was the trial of several prominent citizens of Freeport, Illinois, on the charge of burning an extensive watch factory there of which they were proprietors, with intent to defraud the insurance companies.

The factory was established by a company organized at the instance of the late Eber D. Ward, the great Michigan capitalist, for the manufacture of what was known as the Hoyt watch. Among the stockholders were Loyal L. Munn and Lewis K. Scofield of Freeport, and Professor Allen A. Griffith who acted as Mr. Ward's representative in organizing a joint stock company, and securing the location of the factory at Freeport. In organizing the joint-stock company, Professor Griffith met with the president of the German Insurance Company of Freeport, and so impressed him with the importance of establishing a factory for the manufacture of watches in that town that Mr. Hettinger also took stock, and became an active spirit in the concern. The factory was burned down on the night of the 21st of October 1875. At the time of the fire, various companies had policies of insurance upon the property, to the amount of \$30,000. Of this sum, \$10,000 was upon the building, and \$20,000 upon the machinery, tools, and fixtures. The companies insuring were ten in all. It was proved upon the trial that the building alone cost \$18,000, and the value of the tools, fixtures, and machinery, was estimated by appraisers at \$35,000. Nevertheless, two years after the fire occurred, owing to local gossip, a grand jury of the county, on which were several officers and representatives of the German Insurance company, found an indictment against Messrs. Munn, Scofield, and Griffith for arson. Mr Leonard Swett of Chicago was engaged by the companies to assist the prosecution, and the defence was conducted by Mr. Storrs, assisted by local attorneys.

The proof abundantly showed that the charge was one of the most scandalous attacks on private character ever brought in a court of justice to save the insurance companies from paying their just risks. It was not only proved, as already stated, that the real value of the property was in excess of the insurance, but that the company had just purchased new machinery, then *in transitu*, which if it had arrived before the fire would have brought the value of the property up to nearly \$70,000. In addition to this, Judge Bailey of Freeport, now an honored member of the Appellate Court for the First District of Illinois, testified that about the 17th or 18th of October 1875, Messrs. Griffith, Fry, Munn, and Scofield came to his office to consult

with reference to giving proper securities on the property of the factory for the purpose of borrowing money to pay the existing indebtedness of the company and put in about \$10,000 additional working capital. The Judge told them that a schedule of the property would be required, and that the old schedule then in his safe was not sufficient because it did not include the new machinery. There was then outstanding a note of \$20,000 upon which they were liable, and they finally agreed to endorse the paper of the company, carry the existing indebtedness, and furnish \$10,000 additional capital. Judge Bailey was called out of town on the 20th of October by professional business, otherwise the papers would have been executed fixing upon these very defendants an additional responsibility of \$10,000. And on the very next day the fire occurred.

The pretence that these defendants fired the building to defraud the insurance companies was thus shown by incontestible demonstration to be utterly untrue. The agents of the Freeport company had been at work for two years trying to get up evidence against them, and even wrote Professor Griffith, holding out valuable inducements to him to turn State's evidence against his fellow-directors. At the time they paid the loss on their policy, they took a bond for \$3000 from Mr. Fry, conditioned to refund the money to them in the event it should be discovered that the fire was a fraudulent one. They afterwards proposed to Mr. Fry to withdraw the prosecution provided he would quietly pay them back the \$3000. This infamous proposition was rejected, and then came an indictment found by a grand jury on which were several officers of this German Insurance Company, for arson committed to defraud the "American Insurance Company of Philadelphia," which had had nothing to do with their proceedings.

At the close of the case for the people, Mr. Swett announced the purpose of the prosecution to proceed no further, and asked that the case be dismissed for want of evidence. The State's Attorney agreed with Mr. Swett that the facts in the case were not such as would justify a conviction. "Indeed," he said, "they fall so far short of it that my own judgment has been, and is, that they are not sufficient to justify us in prolonging this case further." Judge Brown instructed the jury that there was no

evidence to convict the defendants, or either of them; whereupon they immediately rendered a verdict of not guilty, and not content with that, after consulting in their jury room, returned into court with a resolution censuring the grand jury for finding what they called "this blackmailing indictment." Judge Brown said, that inasmuch as the grand jury was a part of the organization and machinery of the Court, he could not receive any report which reflected upon them; but so far as the resolution expressed the feelings of the jury as to the character of the proof against the defendants, he was in entire accord with it.

Thus closed this case,—a remarkable one in many particulars, and most of all as illustrating how easy it is to elevate idle gossip and personal slanders into such proportions as that it should receive apparent endorsement by a grand jury; remarkable also as exhibiting not only the absolute innocence of the defendants, but the guilty motives of those who conceived and promoted the prosecution.

## CHAPTER XXVII.

### THE TRIAL OF ALEXANDER SULLIVAN.

THE CASE AS VIEWED BY MR. STORRS—THE EVIDENCE AND ITS TALE—  
FORCED WARFARES OF RELIGIONS—THE TRIAL SCENES—ACQUITTAL OF  
THE ACCUSED—SUBSEQUENT HISTORY OF CHIEF PARTICIPANTS.

ONE of the great cases in which the remarkable power of Mr. Storrs as a lawyer was brought into conspicuous prominence was the Sullivan case. The case was tried twice. In the first trial the late Mr. W. W. O'Brien was the leading counsel for the defence. In the second trial Mr. Storrs was substituted for Mr. O'Brien. It is not intended in this notice to disparage the ability of Mr. O'Brien, in the slightest degree. Mr. O'Brien was a great lawyer and a bold, courageous, loyal man; but his manner was quite the opposite of that of Mr. Storrs. Mr. O'Brien was demonstrative, belligerent. Mr. Storrs was keen, alert, dignified, quiet. He was thorough as to the most minor detail of fact and the method of presenting every statement. Everything, in his judgment, that had any place in a case was entitled to an important place. Every statement that had to be made, no matter how trivial it was, he believed in making with precision of style and so clearly that all could understand it.

When he entered into the trial of the Sullivan case he found it enveloped in prejudice. The public had not been permitted to get the facts in an orderly manner. A more disgraceful display of partisan clamor and religious bigotry has not been seen in this country. Never was a case more grossly misrepresented nor more uniformly misunderstood.

The defendant, Alexander Sullivan, was indicted for murder by the Grand Jury of Cook County, Illinois; on the 7th of August, 1876, he shot Francis Hanford who died on the same day.



Hanford, at the time of his death, was principal of one of the divisions of the high school in Chicago. He had been assistant superintendent of schools for the city, but resigned from that position to take effect August 31, 1875, and on September 14, 1875, Duane Doty, formerly superintendent of schools in Detroit, Michigan, was appointed assistant superintendent of schools in Chicago and Hanford on July 14, 1875, was appointed principal of the North Division high school. Hanford, it appears, desired to be reinstated in the position of assistant superintendent and thought the place would be given to him if it were not for Doty's selection. Mr. Sullivan, at the time of Doty's election and for some years prior thereto, was secretary of the Board of Public Works, and he and his wife were formerly residents of Detroit, where Mrs. Sullivan had been a teacher in the public schools while Doty was superintendent.

Hanford seems to have become infatuated with the idea that it was through the influence of the Sullivans that Doty was brought from their old home, Detroit. He professed to believe that the bringing of Doty to Chicago was part of a conspiracy to secure control of Chicago public schools in the interest of the Catholic church; and in this belief, or, in professing it, a number of citizens, who ought to have known better, made the case the text of a religious war. In this bigoted spirit a number of clergymen preached "sermons" telling the court and the jury, in advance of the hearing of the evidence, how the case ought to be decided. Hanford was at once made a harmless, inoffensive, law-abiding, saintly man; Sullivan became a devil, and some of the clergymen demonstrated to their own satisfaction that Sullivan was inspired to shoot Hanford by the Pope at Rome, in order to secure Duane Doty's appointment at the head of the Chicago schools for the benefit of the Catholic church. The facts as gathered from a careful analyzation of the case are these:

On the day of the tragedy, Mr. Sullivan was informed by Mr. Thomas Brenan, then assistant city treasurer and, at date of this review, assistant county treasurer of Cook County, Illinois, that an infamous attack had been made on his wife at the meeting of the common council of the City of Chicago. He inquired how the common council could get his wife's name before it and was informed that the subject came up in reference to the nomi-

nation of certain persons to serve as members of the Board of Education. During the debate concerning the nominees it became known that Alderman Van Osdel, chairman of the committee of education, had a communication assailing the nominees. When the existence of the letter was discovered its production was demanded. Van Osdel finally produced it and it was read. During the reading, the President of the council, a leading wholesale merchant and subsequently member of Congress, Hon. William Aldrich, interrupted the clerk and declared it a document unfit to be read; but the curiosity of the Aldermen was aroused and the entire letter was read. It was anonymous and Van Osdel refused to give the name of its author to the council. Mr. Sullivan reached the council chamber before that body had adjourned and found it and the large audience of spectators in a state of intense excitement. He went to the clerk's desk and copied a portion of the letter; then he demanded of Alderman Van Osdel the name of the author. Van Osdel refused several times to give the name, but finally, upon Mr. Sullivan's saying to him that unless he did he would assume that Van Osdel was its author and would so treat him, said: "It was written by Mr. Hanford." "Who is Mr. Hanford?" inquired Mr. Sullivan. "Why, don't you know him?" exclaimed Van Osdel, in surprise. "I do not," said Mr. Sullivan, "Who is he?" "Why he was assistant superintendent of Schools."

Mr. Sullivan thus learned who was the author of the letter. He did not know the man and had no recollection of ever having heard of his name. He went to his home and the testimony shows that he inquired of his wife if she knew Hanford or any of his family. He was answered in the negative and then informed his wife and his brother of the attack, but consoled his wife and himself with the belief that it was all a mistake; that as neither of them knew Hanford or his family; as there could be no cause for ill will on Hanford's part; and, as the charges in the anonymous letter were utterly unfounded, Mrs. Sullivan's name must have been used by mistake in the infamous document. He, therefore, assumed that when Hanford was shown his mistake, he would retract his false statements and give a note to be shown to the city editors of the daily papers which would prevent the publication of the letter. Mrs. Sullivan was

in poor health—having shortly prior to that time been injured in a street car collision. Mr. Sullivan suggested that his wife and brother should go down to see the city editors of two of the papers to which she had been a contributor, lest the letter should get into early editions of these papers before he could arrive with Hanford's letter. He then started to ascertain from a city directory where Hanford resided. To his surprise, he discovered that Hanford's residence was on the same street as his own into which he had removed shortly prior to that date, and that it was within four blocks of his own house. Coming out of the livery stable, where he had found the directory, he met the carriage with his wife and brother: he stopped the vehicle and suggested to his wife and brother that since Hanford's residence was so near it would be as well for all to drive there. He would go in and secure the note; then all could drive down town together. He entered the carriage and it was driven to Hanford's residence. Arriving there, Mr. Sullivan and his brother stepped out of the carriage leaving his wife in it. He passed two men, one of whom had a hose in his hand sprinkling a grass plat, ascended the house steps, and enquired for Mr. Hanford. The lady, who proved to be Mrs. Hanford, pointed out Mr. Hanford who was one of the two men Mr. Sullivan had passed. Mr. Sullivan stepped down to the street and was met by Hanford. No one heard the conversation between the deceased and Sullivan except the latter and his brother. They both testified that, in response to Mr. Sullivan's query of Hanford as to whether or not he was the author of the letter, Hanford refused to say; that, when pressed, he said, "I will neither deny nor admit;" and that, finally, when Sullivan said he was informed by Alderman Van Osdel that he was the author, Hanford replied: "Well if you know, you know." Then, Sullivan produced the paper containing the extracts he had made from the anonymous letter and read it to Hanford. Mrs. Hanford testified that she saw Mr. Sullivan "holding a paper in his hand." She also testified: "I only heard Mr. Sullivan speak his wife's name. I heard him say, 'Mrs. Sullivan.' Those were the only words I heard." Mr. Sullivan and his brother both testify that he told Hanford that the letter, in so far as it referred to Mrs. Sullivan, was untruthful; that he specially referred to the statement that Mrs. Sullivan's influence

with Colvin was so great that she had secured her husband's appointment; told Hanford it was false, that he was not married when appointed; that his wife did not then know Colvin; that the language concerning Mrs. Sullivan had "an infamous implication;" that he came to get from him a letter retracting the charges so that he could take it to the newspapers and secure the suppression of the letter; that unless Hanford gave such a letter the charges would be spread before the world in the morning papers; that Hanford refused; that Sullivan asked what he (Hanford) would think of Sullivan if he had made false accusations against him, much less his wife, and refused to aid in their suppression; that Hanford still refused; that Sullivan said: "Then you are a dirty dog." Thereupon the men came to blows.

There is a dispute in the testimony as to who struck first. McMullen did not see, but says that when he turned from the carriage Hanford was on the ground and Sullivan was on top of him. Mrs. Hanford says Sullivan struck first, and knocked her husband down. The two Sullivans testified that when Hanford was called a dirty dog he raised his hands to strike; and his hands and Sullivan's were raised almost simultaneously; that the men fell, Sullivan being on top, on the wet plat. From this point there is substantially no disagreement as to the facts.

Indeed, so favorable to the defense was the testimony of David McMullen, who from that point became one of the leading parties in the quarrel and who was a friend of Hanford and an enemy of Sullivan, that McMullen's cross examination in the second trial was limited to his age and weight. He swore he was thirty years old, weighed "about 175 to 180 pounds," and was in perfect health. His statement as to his own conduct was corroborated by all who saw it. He swore that when the two men were down he seized Sullivan, and continued as follows: "I put my right arm around Mr. Sullivan's neck and caught him this way [indicating] with my arm and took hold of his left hand with my left hand and jerked him away. Mr. Sullivan resisted somewhat—struggled. He didn't offer to strike me. He simply struggled to get away. I had hold of him and just kind of threw him around that way [indicating]." In cross-examination at the first trial, McMullen said, "Yes, the more he [Sullivan] tried to get away the tighter I choked him." While Sullivan was

thus held by McMullen, who swore that he never saw Sullivan before and they did not know each other, Hanford arose. Mr. G. B. Dunham, a ship chandler, a neighbor of Hanford and friend of McMullen, swore that he had his child in a baby carriage on the street, saw the quarrel, put the child safely some distance away and coming over asked: "What does this mean?" At the same time he took hold of Hanford's left hand. Hanford was knocked down. "He got up very quickly and I took hold of his arm again and he made a pass then with his right hand. He struck some one. Whom he struck I did not see. The report of the blow I heard like that, [indicating by striking the palm of his left hand with his clenched right hand] as it was made by striking some one's flesh." After that he describes Hanford as being "with his hand raised and his fist clenched apparently poisoning himself for another blow." The testimony of all the witnesses agrees that it could not have been Mr. Sullivan who was struck. McMullen standing behind him was holding him by the neck and left hand and they were about six feet away from Hanford. He was not struck. Mrs. Sullivan, in her statement before the coroner's jury, stated that she was struck in the face by Hanford, having got out of the carriage as soon as she saw there was a quarrel, for the purpose of stopping it, exclaiming to her husband: "Do not hurt him, Aleck. Do not get into a street quarrel." Mrs. Sullivan was offered as a witness by the defence, but the prosecution objected and, under the rules, the Court refused to permit her to testify. Florence Sullivan swore that Hanford struck Mrs. Sullivan. Rudolph Rissmann, a German, who was passing by with his wife and his niece, testified that he saw a man strike a lady and exclaimed to his wife: "My God, they are striking a lady!" He ran to the scene falling over a fire hydrant on the road. Before he could arise he heard the shot. When he arrived he saw that Mrs. Sullivan [whom he identified before the coroner's jury] was the person who had been struck and that it was Hanford who had struck her. He helped to carry Hanford into his house. None of the parties knew him. He was directed by the coroner to appear at the inquest. George Auer, 72 Goethe Street, Chicago, private watchman of the block on which the tragedy occurred, testi-



fied that Rissmann helped him and others to carry Hanford in. Mrs. Mary Rissmann testified that her husband exclaimed that some one was striking a lady; that she saw the clenched fist falling, but could not see, because some of the group obstructed her vision, upon whom the blow fell. Her husband ran to the place and on the road fell over a hydrant. Miss Lillie Marks swore that she was with the Rissmanns, her relatives; that from where she stood she could not see the striking; but she saw Rissmann run and fall over the hydrant. Dr. W. C. Hunt, testified that he was called to see Mrs. Sullivan, on the night of the tragedy and found a bruise on her face and that the discoloration following it lasted several days. Mr. and Mrs. Fernando Jones, Mrs. Redmond Prindiville, Mrs. Henry Green, Miss Minerva Green and others testified, that they saw Mrs. Sullivan at various times from within an hour of the tragedy until four or five days thereafter and that her face bore the marks of a blow. Those who saw her the first night described the mark as red and swollen; those who saw her later described it as being discolored, as a bruise following a blow naturally would be.

In the instructions to the jury prepared by the State in the second trial, it was conceded that Hanford had struck Mrs. Sullivan, but the State's Attorney said Hanford might have been dazed, and might have struck her unintentionally. Mr. Dunham's testimony does not bear out the accidental theory, but if it were accidental, the impression on Sullivan's mind would be the same. He was held and choked by a man much taller than himself, who weighed nearly forty pounds more than he then did, whom he never saw before, and whom he found with Hanford. His sick wife, the victim of Hanford's anonymous slander, exclaimed that he had struck her. At this time McMullen testifies that Hanford "turned around and came towards us—Mr. Sullivan and myself. He was reaching towards us. He got loose and came around like this [indicating]; Mr. Sullivan and myself stood here [indicating.] I had my arm still around his [Sullivan's] neck and had hold of him with my left hand; and just as Mr. Hanford came up I sort of threw Sullivan around behind me; put my left hand up to keep them apart, and just as I did that the pistol shot was fired." If McMullen saw that it was necessary to

"keep them apart," who was the aggressor? Sullivan was held by McMullen, who was so much larger and stronger than Sullivan, that he was able, as he swears, to 'jerk' and 'throw' him around. Sullivan's position compelled the termination of the struggle so far as he was concerned. Hanford 'came up' and, 'to keep them apart,' swears McMullen, 'I put up my hand.'

Mr. Sullivan testified that he was held, precisely as McMullen admits; that McMullen was bending him back and choking him; that he heard his wife exclaim that she was struck and that Hanford was coming towards him with upraised hand. He was helpless to protect himself in any other way and, for the first time, thought of his revolver, and, with his right hand, which was loose, he drew it. His testimony is that he was so held that he could not and did not take aim and that he had no distinct recollection of even cocking it. He insisted, however, that McMullen still held his left hand and was choking him with his right arm. The manner in which he was jerked and thrown around by McMullen makes it extremely difficult for either to be absolutely accurate as to the second when Sullivan's left hand was released. McMullen says 'the pistol was fired,' 'just as I did that'—let go of the left hand—and sort of threw him (Sullivan) behind me. It was the act of a second or less. Whether it was "just as" McMullen let go of the left hand or just after is not very material, as all agree that McMullen continued to hold Sullivan by the neck with his right hand.

Sullivan, as the testimony shows, at first intended to go to Hanford alone. It was only on discovering the nearness of Hanford's residence to his own that he decided that he might as well ride there with his wife and brother in the carriage which they had procured to take them to the newspaper offices. Had he intended to quarrel, he would not have taken a sick wife with him. Had he intended to shoot Hanford, he could have done it when McMullen stood about ten feet away from them with his back towards them. But why had he a revolver? Sullivan's testimony and his brother's showed that he had carried the revolver since he lived in New Mexico and continued the habit after coming to Chicago, where he was for a time engaged as a reporter on a morning paper. R. Parish, James A. Gates and Frank Bronson testified that they

had frequently seen the revolver on his person. Dennis K. Sullivan (no relative of Alexander) testified that he was a detective on the police force of Detroit, Mich., about twenty-four years, and that he had presented the revolver to Alexander Sullivan twelve or thirteen years before the tragedy. The following instruction was given on this subject.

"The jury are instructed that if they believe from the evidence, that Sullivan had a pistol upon his person at the time of the homicide, and it was contrary to law to carry such pistol, that only rendered Sullivan amenable to the penalty prescribed by the statute for carrying it, and if the jury believe he was in the habit of carrying a pistol, then no inference of malice or an intention to kill in this particular case can be drawn from the fact that at the time of the homicide he had the pistol upon his person."

Extracts from the anonymous letter mentioned and introduced were as follows:

"The rule and ruin party in the old council had its representative ring in the bd. Edn." . . . "That this ring has plotted and legislated to cripple the schools and to use the position to further private and sectarian [some word intended by the writer to be inserted here was apparently omitted] is a matter of history." . . . "The instigator and engineer-in-chief of all deviltry connected with the legislation of the Board is Mrs. Sullivan, wife of the Sec. of Board Pub. Works. Her influence with Colvin was proven by her getting Bailey dismissed and her husband appointed his successor." . .

"T. J. Bluthardt has shared in the infamous work of this ring, his motive undoubtedly being to aggrandize himself politically." . . . "At one time he planned to elect a male Supt. German, but was warned to desist by Mrs. Sullivan and he desisted." . . . "Bluthardt by his voting with this ring in their worst schemes, by his boasting of his readiness to debauch any woman who would yield to him, and by his general history as a demagogue, has proved himself entirely unworthy to hold any office of honor or trust, certainly for an office which involves more than ever need to be surrounded with purity and wisdom." . . . "Pitiable spectacle that a city of half a million people cannot find enough *wise, prudent, honest, pure* men who need not deliberate in a closet, or with one particular woman, to determine what they shall do or not do!"

In a private note to Van Osdel, accompanying the anonymous document, Hanford wrote: "I have used the word Catholic' freely because the facts demand it—but it would be unwise to do so in canvassing this matter in Committee or council because the howl of persecution would be heard instantly. Great caution will be necessary to conceal your sources of information if there is much of a struggle."

In his testimony Mr. Sullivan made an explanation concerning

that portion of the anonymous letter which falsely alleges that he was appointed to office through his wife's influence with Mayor Colvin. The publishers think it should be given for the information of our readers outside of Chicago. He said his reason for saying to Hanford that the language of that false statement had "an infamous implication," was based on the attacks which had been made in the public press concerning Mayor Colvin. The newspapers had attacked Mr. Colvin severely and the Chicago *Times* had published articles assailing his private character. One of these articles was entitled, "Our Bummer Mayor." The *Times* was then demanding that the city authorities close certain vile saloons, which were called concert halls and in which indecent theatrical exhibitions were given by lewd women; it charged that Colvin visited these places himself, went behind the scenes, drank with the unfortunate women and took them on his knees. He testified that whether the charges were true or false as to Mayor Colvin, they had been published in an influential, widely-circulated journal; and that he believed the writer of the anonymous letter, who must have had knowledge of these public charges, intended to convey "an infamous implication," as he had said to Hanford, when he read the extract to him and told him how false and infamous it was. With this fact in mind and the language concerning Bluthardt and Hanford's repetition of the word "purity," there can be no doubt about the impression made on Mr. Sullivan as to the opinion he desired to convey concerning Mrs. Sullivan. If he desired to make some proper, honorable exposure of wrong, why did he write anonymously? Why did he write to Van Osdel that "great caution will be necessary to conceal your sources of information if there is much of a struggle?" "This case," said Mr. Storrs, when it was submitted to him, "is not the case the public have heard about. I have been told by every one that Hanford was a peaceable, law-abiding man. I heard Sullivan described as a big, coarse, Irish brute. The public believe that Sullivan hunted out a quiet, peaceable man and began a quarrel. The truth when ascertained shows that Hanford was a criminal; that he was the slanderer of his neighbor's wife; and that he hid himself behind the veil and the supposed protection of an anonymous letter when issuing his vile accusations. It shows that Hanford was given an opportunity,

not to make complete reparation for his crime—because he could not do that—but to prevent the publication of his attack and that he refused to do so; it shows that the creature who was capable of assailing a woman's character was able to strike her a brutal blow while her husband was being held by his friend; it shows that in place of being the puny, helpless man he has been described he had the strength to break away from the grasp of his neighbor, Mr. Dunham, who played the part of a gentleman and a peace-maker; it shows that after striking the victim of his anonymous slander, he was rushing angrily at her pinioned and choked husband; it shows that Sullivan with most wonderful moderation and self-control, approached Hanford's house in so calm a manner and spoke so courteously to Mrs. Hanford that—withstanding the keen instinct of a wife to detect trouble—she had no idea that any trouble was threatened or that his visit was an unfriendly one; it shows that Mrs. Hanford on her oath, admits that Sullivan conducted his conversation with her husband in a tone so far removed from noise or anger, so void of threatening gesture, that she, although within ten feet of them, except once when she heard the words 'Mrs. Sullivan,' never caught a word understandingly; it shows that Sullivan was a gentleman by instinct and education; that he never drank a glass of liquor in his life; that, in place of being a bigot, he was a broad-minded man; that, beginning work for himself at the age of twelve, he became a competent journalist; was declared by the Board of Public Works to be the best secretary it ever had; that he was a man who had the courage of his convictions and was one who, when too young to vote himself, was an abolitionist and took the stump in Michigan in favor of a constitutional amendment giving the negroes the right of suffrage. It shows that those who had known him from boyhood flocked to Chicago, at their own expense, to bear testimony to his good character." These witnesses included the venerable Detroit merchant whose store Sullivan entered when a lad of twelve, and the banker, the merchant, the business men, the professional men of Chicago. In place of being considered a bigot, it appears that his four bondsmen, representing not only great wealth but commercial honor and social character, were all



protestants. One was Commissioner Louis Wahl of the Board of Public Works, who had been associated with Mr. Sullivan daily for nearly three years. Mr. Wahl is a leading Chicago manufacturer. The late venerable Doctor Dyer, whose name will always be remembered in history in connection with the underground railway established to aid colored slaves in escaping from bondage in the South to freedom in Canada, was another. Fernando Jones, one of Chicago's oldest settlers and most reputable citizens, was the third; and the late George Taylor, the banker, was the fourth. "What a bigot," said Mr. Storrs, "Sullivan must have been to make such friends!" Mrs. Sullivan was charged with being an enemy of the public schools of Detroit. She graduated from the high school in that city; enjoyed the highest distinction in it. She afterwards taught in the Detroit public schools. Since the trial Mrs. Sullivan has continued to receive the most notable compliments from the Alumni of the Detroit High School, having several times been given the place of honor in their anniversary celebrations and other public exercises. The facts show that Mr. Sullivan did not aid in securing Doty's election; they also show that the only correspondence that passed between them was one letter from Doty to Sullivan asking his opinion and informing him that some friends in Chicago urged him to come, and one letter in reply from Sullivan to Doty in which he urged Doty not to come because of the insecurity of tenure of the office and because he predicted that all official salaries must necessarily be reduced, owing to the City's financial embarrassments. (The City was then paying its debts with scrip, the legality of which was questioned, and, within six months, the prediction was verified and all City salaries were reduced about twenty-five per cent.) The facts show that Duane Doty, who was called a catholic, is not and never was a catholic. On the contrary he was reared and educated a protestant by his protestant parents and for some years has been an avowed believer in what may be called Mr. Robert Ingersoll's church. If Doty could aid any pope it would be "Pope Bob," as the friends of that orator affectionately call him, and not the Pope of Rome. The testimony shows that although Alexander Sullivan was secretary of the Board of Public Works for nearly three years

prior to the Hanford tragedy and, therefore, could easily have become acquainted with the members of the Board of Education, the following gentlemen swore that they did not even know him: John P. Olinger, David A. Coan, Theo. J. Bluthardt, Adolph Schoeninger, Thomas Wilce, D. S. Covert, Perry H. Smith, C. J. Hambleton. There were only fifteen members in the Board. The following members of the Board of Education swore that they never even knew, or were spoken to, or written to by Mrs. Sullivan concerning school government appointment, or any other subject: Perry H. Smith, John P. Olinger, David A. Coan, Theo. J. Bluthardt, Adolph Schoeninger, Thomas Wilce, D. S. Covert, George C. Clarke, C. J. Hambleton, Ingwell Oleson.

The memorandum used in argument of the evidence, reads:

"It will be observed that this list includes Doctor Bluthardt concerning whom Hanford wrote the following:

"T. J. Bluthardt has shared in the infamous work of this ring, his motive undoubtedly being to aggrandize himself politically." . . . "At one time he planned to elect a male Supt. German, but was warned to desist by Mrs. Sullivan and he desisted." . . . "Bluthardt, by his voting with this ring in their worst schemes, by his boasting of his readiness to debauch any woman who would yield to him, and by his general history as a demagogue, has proved himself entirely unworthy to hold any office of honor or trust, certainly for an office which involves more than ever need to be surrounded with purity and wisdom."

"Mr. Geo. C. Clarke swore that though he had known Mr. Sullivan, who had compiled statistics at his request for circulation among insurance companies, showing Chicago's improved resources for fighting fire, Sullivan had never spoken to him about school affairs.

"Mr. P. A. Hoyne swore that he knew Sullivan, and on one occasion met Mrs. Sullivan with her husband, but that neither of them had ever spoken to him about school affairs.

"Ingwell Oleson swore that he was once introduced to Mr. Sullivan but never had any acquaintance with him beyond that and had never been spoken or written to by him about school business or appointments.

"Mr. W. K. Sullivan, a member and President of the Board [a prominent journalist, no relation of defendant and a protestant] swore that he had known Mr. and Mrs. Sullivan about five years, but had never heard either of them say a word concerning school affairs, and had never received a letter from, either on any subject directly or indirectly relating to schools.

"Mr. John C. Richberg, a member and Ex-President of the Board, swore that he knew Mr. and Mrs. Sullivan; that Mr. Sullivan never spoke or wrote to him about school affairs; that Mrs. Sullivan had once spoken

to him about the gross injustice of reducing the salaries of the lowest salaried lady teachers twenty-five per cent. They were not paid as well as servant girls she said. [Their salaries were \$450.] She urged that in order to comply with the council's direction to reduce expenses 25 per cent., the Board of Education should make a greater reduction on the salaries of those holding the better paid positions and less than 25 per cent., or, if possible, no reduction on those getting only \$450 per annum.

"James Goggin, an ex-member and attorney of the Board, swore that he knew Mr. and Mrs. Sullivan very well: that Mr. Sullivan never to his knowledge interested himself in school affairs: that Mrs. Sullivan had never made a request of him but once, that was a request to secure an appointment as teacher for a girl and that he was unable to comply with that request.

"W. J. English, a member of the Board, swore that he knew Mr. and Mrs. Sullivan; that neither of them ever attempted to his knowledge to influence the affairs of the school Board in any manner on any subject.

"Mayor Colvin swore that he never saw Mrs. Sullivan but twice in his life. On both of these occasions she was with her husband. Neither Mr. or Mrs. Sullivan ever made a request of him concerning the public schools or school affairs or any subject pertaining to the Board of Education. He never spoke to Mrs. Sullivan, except on these two occasions or communicated with her or received any communication from her on any subject whatever. Mr. Sullivan was secretary of the Board of Public Works and had official relations with him constantly but never made a request of him concerning the Board of Education or school affairs."

Speaking of the relative sizes of the two men—Sullivan and Hanford, Mr. Storrs called attention to the fact that the difference was nothing like what the public had been led to believe. Hanford was described as a puny, sickly man, Sullivan as a giant. At the time of the tragedy Sullivan weighed 140 pounds. He had not been away from his duties as secretary of the Board of Public Works for a day during the entire preceding year. He was one of the busiest men in the city departments and was at work as usual, without having an hour's vacation during the hot summer. The testimony of Mrs. Hanford was that her husband weighed "from 125 to 135 pounds according to the season of the year; in the Winter he weighed 135." "But," added Mr. Storrs, "The struggle which ended in the tragedy, was not between Sullivan and a man weighing a little less than he did. It was between Sullivan, on the one side, and one man [Hanford] and another man [McMullen], who weighed 175 to 180 pounds according to his own testimony, and who swore he was able to 'jerk' Sullivan around as he pleased."

Shepard Johnson, secretary of the Board of Education, testified that during the year preceding the tragedy Hanford had not lost a day because of sickness. He said that under the rules of the Board he [Hanford] made his own returns of his attendance in a report to the witness; that Hanford would have been compelled to report any absence for sickness or any other cause which amounted to as much as a half a day; that there was no such report, and no loss of time whatever by Hanford during the entire year. While Hanford's cowardice and moral turpitude were commented on by other counsel, it was Mr. Storrs who insisted that he must be pronounced a criminal under the laws of the State of Illinois, and so he was. "It must," said Storrs, "go on the judicial records of this State that Francis Hanford was not an innocent man; that he was a criminal when he was shot; and that he was guilty of a most cowardly and detestable crime."

The following instruction written by Mr. Storrs—in Illinois the Courts are obliged to instruct the jury in writing and are not permitted to deliver oral charges as in some other States—was given by the Court, without the change of a letter:

"If the jury believe from the evidence that Hanford wrote the article offered in evidence in this case, in which he made a false and malicious attack upon the character of Mrs. Sullivan, and afterwards struck Mrs. Sullivan, the jury have the right to consider the feelings of malice which actuated Hanford, and Sullivan had a right to consider them in estimating the degree of danger in which either he or his wife was placed.

"If the jury believe from the evidence in this case, that the charges and statements in the article read in evidence in this case, so far as the same relate to Mrs. Sullivan, were false, then the law presumes them to have been malicious. The jury are further instructed that in the absence of any proof showing, or tending to show the truth of the charges, they are bound to find them both false and malicious. It was the privilege of the prosecution, as tending to show the absence of malice in the author of that article, to introduce proof that it was based upon information which he had received from others and in the absence of such proof the jury are bound to find, as a matter of fact, that those charges were manufactured, and were made in the absence of any proof whatsoever, or of any information upon which to base them. The publication of such charges by sending them to other parties to be read, or by printing them in the newspapers, is by the laws of this state a criminal offense: and if the jury believe, from the evidence in this case, that Hanford was the author of that article, and he sent it to Van Osdel for the purpose of having it made public, then Hanford was guilty of an offence made criminal by the laws

of this State. It was the clear legal right and it was the duty of Sullivan to defend his wife against those charges: it was his right and it was his duty to, if possible, suppress their publication and to demand from their author an explanation or a retraction; and if the jury believe from all the evidence in this case, that Sullivan, his wife and brother visited Hanford for the purpose of convincing him that he was mistaken as to those charges, and of procuring from him such a retraction as would secure the suppression of their publication in the daily papers, then the jury are instructed that such purpose was not only lawful, but it was the performance of a duty which Sullivan owed to his wife.

"The jury are further instructed, if they believe, from the evidence in this case, that, upon visiting Hanford, Sullivan called his attention to a portion of the objectionable article referred to, read it to Hanford, requested a retraction or such an explanation as would secure its suppression, it was the duty of Hanford to make the retraction, and to assist in the suppression of the publication of the article. If the jury believe that, after being advised of the facts, Hanford still persisted in asserting the truth of those charges, refused to give any retraction, or to make any explanation concerning them, after Sullivan had called his attention to an alleged infamous implication against his wife, contained in the portion of the article read to Hanford, then such refusal of Hanford's was a reiteration of the charge, and was an admission that the article was susceptible of the infamous implication attached to it by Sullivan."

On the night of Mr. Sullivan's acquittal, the jury sent word by the bailiff in charge that they had agreed—of course, no message was sent as to what was the verdict while waiting for the Judge, who had gone to his home and had to be sent for. The *Times'* report of this anxious interval shows how clearly Mr. Storrs divined the result, and what was his opinion of the letter; said the *Times* :

"Every ear was strained for the sound of the Judge's carriage, and at last there came a rumble and a banging of doors, which caused a general turning of heads. It was not the Judge, but Emery A. Storrs, the hero of the trial, whose reading powers, as exhibited in the reading of Hanford's letter during the afternoon, excel those of any professor of elocution in this city or elsewhere. Mr. Storrs although entirely unacquainted with the result of the agreement, came up smiling and chaffed away with that happy mixture of wit and sarcasm in which he has hardly an equal. 'The man's acquitted,' he said confidently. 'No jury of decent men would confine him for a day after hearing that infamous letter.'"

After another half hour, the judge arrived and the jury verified the brilliant counsellor's prediction. They returned a verdict of not guilty and it soon became known that this verdict was reached on the first ballot.



The defendant, Alexander Sullivan, immediately after his acquittal continued the study of the law—he was preparing for admission to the bar when the tragedy occurred. He was admitted in 1878. He has been for nearly seven years a member of the law firm of Windes & Sullivan, Chicago. His partner is a Master in Chancery of the Circuit Court of Cook County. Mr. Sullivan was unanimously elected and re-elected President of the Irish-American Council of Chicago, a body composed of delegates from the forty-five patriotic and benevolent societies of that city. He made the arrangements for the trip of the Irish leader, Mr. Parnell, through the Western States, when Mr. Parnell visited this country in company with the Hon. John Dillon and the Hon. Timothy Healy, and he accompanied them to several of the leading cities they visited. In 1883, at Philadelphia, he was elected President of the Irish National League of America. He was unanimously re-elected at Boston in 1884, but declined to serve. He has spoken in behalf of the League in nearly all the large cities of the Union. During the last presidential election he was a very active supporter of Mr. Blaine and made many speeches which attracted national attention. Notable among these were his speeches at the Academy of Music in New York and his speech in Toledo, Ohio.

Mrs. Sullivan, the wife, wields one of the most trenchant pens in the land, and was for years a brilliant Chicago journalist, acting for the daily journals both as an editorial writer and as literary critic; she has also contributed to the magazines and is the author of many special articles in the American reprint of the *Encyclopædia Britannica*.

The other legal participants in this famous trial, included, as has been stated, Mr. W. W. O'Brien, who was well known throughout the West, having run once for congressman-at-large, for Illinois, in opposition to John A. Logan. Mr. O'Brien departed this life in 1885. Charles H. Reid, one of the State's attorneys at the first trial—when the jury stood eleven for acquittal, and one for a conviction with a light sentence (in Illinois the jury fix the sentence and could have made it as short as one year), is a practicing lawyer in New York City; he was counsel for Guiteau, the assassin of President Garfield; he declared, after the Sullivan trial that he would like to run for judge, against the Hon. W. K. McAllister,

who presided at the trial, and against whom there was some clamor at the time. Mr. Reid's desire was gratified, he was nominated, and in June, 1879, when the votes were counted, it was found that Judge McAllister's majority over Mr. Reid exceeded eleven thousand votes. In 1885, Judge McAllister was re-elected without opposition, and for nearly six years has served as Judge of the Supreme Court of the State of Illinois. The Appellate Court judges in Illinois being elected by the Supreme Court from the Judges elected by the people to the Circuit bench. Mr. Thomas A. Moran, who was one of Mr. Sullivan's counsel, was elected a judge of the Circuit Court of Cook County, Illinois, in 1879; was re-elected in 1885, without opposition; is now an associate of Judge McAllister, in the First District of the Appellate Court of Illinois, having been appointed, by the Supreme Court, during the present year. The Hon. Luthin Laflin Mills, who was State's Attorney at the second trial, is now practicing at the Chicago Bar, ranking as one of the most brilliant of his profession. The Hon. Leonard Swett, who made one of the greatest speeches of his life in opening the case, on behalf of the defendant, is one of the leaders of the Chicago bar, and was formerly a partner of Abraham Lincoln, at Springfield. Colonel John Van Arman, has practically retired from practice at the bar, but ranks high for great ability and experience.

Such was the history of and such were some of the leading participators in the Sullivan trial.

## CHAPTER XXVIII.

### THE GREAT ANN ARBOR CASE.

HISTORY OF THE DOUGLAS-ROSE TROUBLE—A PLOT AGAINST AN OLD SOLDIER—DIVIDES FIRST A SCHOOL, THEN A STATE—THE TRIAL IN THE COURTS—MR. STORRS' GREAT ARGUMENT—A SCIENTIFIC FRAUD—THE RESULT.

THERE was introduced into the House of Representatives of the State of Michigan, January 12, 1877, and concurred in by the Senate, one week later, the following preamble and resolutions :

" *Whereas*, A defalcation, extending for a long period of years, and embracing quite a large sum of money, has been discovered in the management of the chemical laboratory of the State University ;

" *And whereas*, The Regents of the University in their " statement of certain needs of the University of Michigan," which they have published and placed in the hands of the members of the Legislature, have invited, and generously offered every facility for the most thorough and exhaustive investigation, either of the defalcation itself, or of their mode of treating it ; therefore,

" *Resolved*, (the Senate concurring), That the committees on the University of the Senate and House of Representatives be and they are hereby instructed, jointly to make a thorough and exhaustive investigation of said defalcation and of any and every subject-matter connected therewith, which in their judgment may require investigation, to the end that said committees may report to their respective Houses whether any, and if so what legislation is needed, and that said committee sit with open doors ;

" *Resolved*, That said committees have leave to sit during the sessions of the Senate and House of Representatives, and be empowered to administer oaths, compel the attendance of persons and the production of papers, and to employ a stenographer to take and transcribe the testimony at a compensation not exceeding ten cents per folio ;"

The joint committee entered upon the task, and continued in the prosecution of it for more than two months. The results were grave and painful.

Dr. Silas H. Douglass, had been conspicuously connected with the University of Michigan, at Ann Arbor, since the year 1844; he was reputed wealthy, and figured well in the chief educational circles of the country. The chemical laboratory of the university was established in 1853, and, not long after, the professor of chemistry came to be recognized as its director. To this officer was committed, either tacitly or by action of the Regents, its entire management subject only to a very slight supervision. To him was entrusted a power over its affairs with which even the Board itself did not seem inclined to interfere. Director Douglass bought and sold at pleasure. He sent to New York, or Europe, as his inclination dictated. He expended money in traveling, and the bill was never challenged. He would make a report in June or October, and whether accurate or inaccurate, it passed no rigid scrutiny. In some cases, at least, the reports were neither examined by the Regents or passed upon at all.

It was to avoid such dangers, doubtless, that the control of the University was at a very early day placed in the hands of a Board of Regents which, eventually, was made elective in 1862. Evidently, the intention was to put the government of what has rapidly developed into a great educational power into the control of skilled minds biased by no other official relations; and, parenthetically it may be added, that the acceptance of such high trusts has, as a rule, been followed by faithful performance of every duty, though rendered gratuitously. It must be confessed, however, that for years grave irregularities were permitted.

Dr. Douglass undertook important work, involving the expenditure of thousands of dollars, with no resolutions of the Board authorizing him so to do, allowed himself a certain per cent., and took his pay out of such funds as he chose, and then included the transactions in his annual report, and there it ended. A committee was appointed by the Board to expend a large appropriation of the Legislature, their plans were made, the work contracted for, the Director pushed all aside, expended the money, and exceeded the appropriation thousands of dollars, and the Board did not even protest. The laboratory was making money, it was thought, every year, and yet the Director was charging interest on money which he claimed to have advanced, and the

Regents quietly paid the ten per cent. interest without inquiring too closely whether the laboratory was always in funds or not. The laboratory was always in funds. A surplus was on hand every year, and yet the Regents allowed during years covered by this investigating committee the aggregate amount of \$926.88 for interest on what was claimed as advances to the laboratory during these years. The Director employed assistants from time to time, who were responsible to him alone, except so far as his pay by the Regents established relations with him. In this manner was Preston B. Rose employed the third day of April, 1866. The Regents did not employ him by resolution, as their by-laws required, but after a time they recognized him as assistant in the chemical laboratory. The Director, however, in the meantime, employed him as clerk.

For many years no account book of any kind appears to have been kept in the laboratory. Previous to 1860 all is unknown. After that year each student desiring instruction in the chemical laboratory made a deposit of \$10, and took a ticket, on the face of which was his receipt for the deposit. On settling his account at the close of his term in the laboratory, the student placed the amount paid for all material used on the back of the card, signed his name and turned it over to the Director, to be used as a voucher in his settlement with the Regents. A ledger was also used in which the account with the student was kept, and from which he determined the amount to be entered on the back of his card, which he turned over to the Director.

In 1866, the system was again changed. Stub-books were substituted for cards or tickets. These provided a certificate and a stub for each student. Under this system the student made his deposit of \$10, which was entered with his name and the date on the face of the certificate and the stub; the certificate was torn off, signed by the book-keeper, and passed over to the student as his receipt for the deposit. The stub was retained in the book. The student on completing his course settled by the ledger, certified to the amount paid on the back of his certificate, and turned it over to be used in the same manner as the card vouchers. This was a full settlement with the student. The assistant or book-keeper



settled with the Director as follows: Once a month or oftener the Director and assistant would examine the stub-book; the assistant would turn over the deposit money of each student, and the Director would mark the stub with his name or one or more initials, usually only a letter D. The vouchers of students who had finished their course would then be turned over to the Director, and under his direction a red line would be drawn diagonally across the stub corresponding to the certificate. The settlement for the deposit money would always precede that for the certificate. The final settlement would require the payment to the Director of the amount on the back of the certificate, made less by the deposit on its face. This and other improvements in the system of accounting in the laboratory were introduced by recommendation of Mr. Rose soon after entering upon his duties as assistant.

The ledger accounts were also about this time greatly improved. Previous to 1864 no cash payments were ever entered in the ledger. After that, the first deposit was frequently entered, but no subsequent payments except in a few instances. But after Rose assumed charge of the books, the accounts were entered in full, and on final settlement of the student were properly balanced. The system was lacking, however, and at length the Regents took the matter in hand, and, on October 15, 1875, passed the following resolution:

*“Resolved,* That the director of the chemical laboratory shall, in future, present quarterly estimates covering all probable purchases, that all moneys received for sale of chemicals to students be duly accounted for and paid quarterly into the treasury; and further, that duplicate vouchers be presented, as in all other departments, covering all payments, in accordance with the existing law.”

A complete revolution was thus proposed in the system in vogue in the laboratory. All vouchers were now under the scrutiny of many persons, and each transaction was reported near the time of its occurrence. No moneys were left in the hands of the Director, except for a brief time, and irresponsible purchases no longer tolerated. The whole department was subjected to rigid scrutiny. Only three days from the passing of that resolution, Dr. Douglas—as he testified—“accidentally found” a defalcation. He found that no vouchers had been turned over to him by Rose for students who had finished their course. His

suspicious being aroused, he presented Rose with four names of delinquent students, and claimed payment. Three of these were stubless accounts, and one had a corresponding stub signed by himself with his initial D. and marked with a red line. Protesting that he must have paid these accounts, and showing Dr. Douglas the stub thus signed and marked, Rose weakly paid then again. Thereupon, Prof. Prescott and President Angell, of the University faculty, were taken to the private residence of Douglas, and told that Rose had virtually acknowledged his guilt, had made out and certified to a list of accounts which had not been rendered to him. The lists were placed before them to prove it; the ledger was also produced, showing that the money had all gone into the hands of Dr. Rose; and there the showing ended. Then came the calling together of two of the executive committee of the Board, who entrusted the whole matter of continuing the investigation to those who had thus formed an opinion of Rose's guilt, and who, guided by Dr. Douglas, conducted it on this theory until a defalcation of thousands of dollars was traced, as they alleged, to his hands. Acting under instructions of his attorney, Rose refused any such investigation, but soon made propositions in almost every possible form for a full and final investigation, or by suit in the court. These were refused. The exaction of a payment of over \$600, added to other payments amounting to \$831.10, besides interest, constitutes another important feature of these proceedings. Further on, a deed of all the property Rose possessed was demanded and given at once. Those who later defended him pronounced him a scoundrel, and those who formerly honored him turned away. A few, however, still doubted his guilt, and to them from time to time he confided what seemed to them proof of innocence. They commenced a complete review of the whole case. They appealed to the Regents for a full and final hearing. They appealed in vain. In the meantime the Board of Regents had pursued the investigation. A committee looked over the work of the President, Mr. Bennett, Mr. Douglas, and Mr. Knight, and certified to its correctness in the Gilbert-Walker report, made December 21, 1875. Against the conclusions of this committee Dr. Rose protested. A second committee was appointed on December 21, 1875, immediately after a vote had been

taken to dismiss Dr. Rose from the University, to "investigate Dr. Douglas' accounts with the University," who made a report on the 29th of March, following. It is worthy of remark that this 'committee employed accomplished accountants, and made the most searching investigation ever made by the Regents. Dr. \*Douglas was with this committee frequently,—Dr. Rose never.

The defalcation was shown by this committee to be \$3,000 more than the Gilbert-Walker report.

The defalcation not being traced to any party by this examination, it was left to another committee of Regents, who reported June 19, 1876 holding Dr. Rose responsible for \$1,174.35. Rose, and his friends, offered to submit his case to the Board, but it was pushed aside and friends of Douglas suddenly filed a bill in the Circuit Court in Chancery for the County of Washtenaw, Michigan, which alleged (1) that from June 28th, 1865, to December 21st, 1875, "Rose and Douglas were both salaried agents and employés of the complainants (the Board of Regents), each having certain duties assigned him in respect to the laboratory, which he assumed and undertook to perform," and that "Rose was by a like appointment as Douglas performing certain duties;" (2) that "Rose, although often requested so to do, has hitherto neglected and refused to account with the complainants (Regents) in respect to the laboratory receipts or any of the matters hereinbefore mentioned, and although the defendant Douglas has been at all times ready and willing to account, and has accounted with respect thereto in so far as it has been in his power so to do; yet no complete account has been found practicable without an accounting with the defendant Rose also;" and also "that the said Rose fraudulently omitted to truly credit in the said laboratory ledger," etc.; and further, "that he has fraudulently appropriated the same (certain funds) to his own use;" and (3) that Rose had not only fraudulently appropriated moneys, but "by fraudulent contrivances and misrepresentations" had induced Douglas to pay over and account to the Regents moneys which he has fraudulently used. The bill prayed that the Court find what amount Douglas had accounted for to the Regents, which he had not secured from defendant Rose, and it further prayed the Court

to find what sum might be in Douglas' hands to be decreed an offset against what the University owed him. The whole theory of the bill being, of course, that Rose was a rascal and Douglas an innocent man.

It was at this point, that the legislature of the State began the investigation of what had gradually spread out its nastiness, and, on the 27th of March, 1877, the joint committee summarized its report with the conclusions:

"We find in our judgment that the financial affairs of the University were managed in a very unsystematic manner until recently, and even now need some improvements.

"We find that the manner in which the business of the chemical laboratory was conducted was faulty and irregular to a surprising degree.

"Nor can we withhold the opinion that the Board of Regents were derelict in the important obligation of carefully watching over its affairs and guarding it from fraud.

"They allowed expenses to be incurred unreasonably large in many instances, and expenditures in other instances utterly preposterous and uncalled for.

"They permitted dictation and control almost beyond belief.

"They allowed interest on money which could never have been advanced as claimed by the Director, the laboratory having always been in funds.

"Why interest was ever allowed seems a profound mystery.

"They allowed the Director to deceive the students by pretending to sell chemicals and apparatus to them at New York prices, while an inspection of the ledger shows an enormous advance on such prices.

"It was assumed that the laboratory was profitable and yielded a large income to the University without foundation in fact.

"The accounts rendered by the Director are found to be not merely faulty, but incorrect to the extent of thousands of dollars.

"It is utterly impossible to tell whether the defalcation traced by these investigations is the only one that has occurred. The tables herewith presented in Exhibits A, B, and C, appended to this report, are highly suggestive of others, to say the least.

"Your committee have endeavored to trace the deficit in the chemical laboratory to the responsible parties, and with the aid of the accountant Tregaskis, assisted by the work of others, we reach the following: The defalcation, as determined by the books and papers in this case, is \$5,797.17, to which should be added the accounts of Wells and Grant, of \$30.65, which was paid to Rose and never entered upon the ledger, making \$5,827.82.

"Of this amount \$3,349.73 is made up of missing tickets and certificates having a corresponding stub, with a red line and letter D, certified by Dr. Douglas to have been paid to him. The remaining part of this defalcation is \$2,478.09. Of this we are able to trace to our satisfaction \$1,998.79 to

the same hands. The balance of \$479.30 is traced to the hands of Dr. Rose. Beyond that the evidence is cloudy and conflicting. It is claimed by Rose that this sum coming into his hands during a period of eight years was paid to the Director in the following manner:

"1. By accounting to the Director for moneys received from students after his annual reports were written, and which he never reported.

"2. By reporting to and paying over to the Director accounts which had been settled on the ledger, but which had been overlooked till the close of the year.

"3. By paying in currency during two years, and not bank checks, thus having no means of showing the amounts paid.

"That these claims of Rose have great plausibility and many facts also to confirm them, is plain. The testimony of Rose, corroborated as it is by the transactions during the year in which the bank checks were used, and showing that the accountings of Rose to the Director were correct, must certainly have great weight.

"No effort was made by Dr. Rose to explain away his responsibility in the accounts of Wells and Grant except by explaining that these accounts were paid at his house in connection with a board bill, and must inadvertently have been omitted in the proper accounting next made, as well as from the ledger.

"The frank manner in which Rose gave his testimony, apparently seeking to cover up nothing, powerfully commends his statements to our fullest credence.

"On the other hand, the vacillating, disingenuous, manner of Dr. Douglas, his shameless contradictions and prevarications, as well as his contradictions of proven facts, excited in us no little pity and shame.

"We now submit the testimony in this case, and leave to this Legislature and the people what to us has proved a source of great anxiety, care, and labor.

"In conclusion, we may be allowed to express the firm conviction that this unhappy affair will be properly treated by those who have the care and management of the University in time to come, and that, taught by this unfortunate experience, they will exercise all needful vigilance in the future.

"We also firmly trust that when the present excitement shall have passed away and this matter shall be fully adjusted, the people of Michigan will feel no less regard for an institution which in one generation has risen to an influence so commanding, which has done so much for the honor of our young and noble State, and which we believe will still go on in its grand and noble work of giving the broadest culture, the noblest enterprise and the richest benedictions to many whom it may attract to its instruction."

Mr. McArthur, of the House committee, modified this report by adding for himself:

"I concur in the conclusions generally of the committee, and in that portion inculcating Dr. Douglas, but not so nearly exonerating Dr. Rose."



It was decided to prosecute to a judgment the bill named as filed in the court, and, having been properly amended and answered, what was probably one of the most intensely contested trials Michigan courts have ever experienced began on the 5th of July and ended August 11th, 1877. Mr. Storrs was retained on behalf of Preston B. Rose by Mr. Rice A. Beal, a wealthy resident of Ann Arbor, to whose noble aid, financially and morally, Rose doubtless owes his sweeping victory and Douglas the merited conclusion of his scheming.

The closing argument, given by Mr. Storrs through the days of August 9, 10 and 11, before Judge G. M. Huntington, who presided, cannot be well shown by scanty excerpts such as its great length obliges. He himself deemed it one of the closest efforts of reason he ever essayed. Certainly, it can no more be illustrated by bits than can the real merits of this complicated case be shown, or grasped, by a compressed statement. A correspondent of the *Detroit Post*, under date of August 11, 1877, said:

"To say that Mr. Storrs made a fine speech does not do him justice. As a speech it was grand; as a plea it was certainly magnificent, and as an argument it was unanswerable, and carried conviction to all unbiased minds. Nothing short of a verbatim report would convey an adequate idea of its force and beauty and finish."

The report in full of his argument, as found entire among Mr. Storrs' literary effects, would fill a good-sized book. It begins:

"If your Honor please, after the great length of time which the trial of this case has already consumed, it would, perhaps, be deemed in order to proffer some apologies for further detaining your Honor in attempting to discuss the immense amount of details in the presentation of which we have consumed nearly six weeks. But the magnitude of the case—the extreme seriousness of the issues which it involves; the widespread interest which attaches to it; the fact that the interests of a great University are more or less involved in it, and the further fact that the reputations of two men are directly involved in this controversy, admonish me that apologies on such an occasion would be out of order. I therefore have no apologies to make.

"I am performing simply a duty—a duty as important for me to perform as that which devolves upon your Honor; and I am very certain, judging from the patient, earnest and careful attention which your Honor has given this complicated case through these long weeks past, that no apology from me is expected—none is required.

"I have said that the case is an exceedingly important one. The amount

of money which is involved in it, if that were all, would have rendered this great consumption of public and private time inexcusable. It is because there are deeper and broader issues inextricably interwoven in it, and which will not be put down, that the case is important. It is because an attack most solemn, grave and serious in its character has been made by the pleadings in this case upon the reputation of one whose reputation has hitherto stood every way unsullied and unspotted. It is because, if these charges are false there is no language of denunciation sufficiently vigorous fittingly to characterize the wickedness and atrocity of the charge.

"And in the consideration of questions of this class, I think we, as lawyers, and your Honor, as Judge, for the same reason, ought to be proud of that noble science of which we are all representatives. Coming before a judge, when such momentous questions are presented, no matter how narrow and limited the theater seems to be, it seems to enlarge with the magnitude of the great subject before me; the judge, himself, no matter how plain in the common walks of life he may be, seems clothed with the sacred attributes of mercy and justice at the same time. It is in such a theater and before such a tribunal that the lawyer is proud to practice. I propose to undertake to convince your Honor and all else who hear, that the charge against my client is atrociously wicked and false. I may as well refer here to the commentary which has incessantly been made through this case with reference to public opinion. What has it to do with the case? and wherefore have any allusions been made to it? These allusions to public opinion are made for a purpose, and they are precisely of the same character that they would be, if I addressed your Honor and asked you to give credit to the story which Rose told, because an almost unanimous public opinion was in his favor. Your Honor would scout and repudiate such a suggestion, as you ought. Equally unprofessional and equally improper is the statement so persistently made by the counsel for Professor Douglas that public opinion stands recorded against them, in order that your Honor may not go with that public opinion, but may be brave enough to defy it, and reach a conclusion favorable to their client, simply because universal public opinion has condemned and convicted him. Allusion has been made again and again during the progress of this case to the large number of people who have been in attendance upon this trial. Why are they here? Is Rose to be punished for it? Dr. Rose has extended no invitations. They are not here as his guests. And I say, too, that when courts are held in open daylight; when the sunshine streams down upon their every proceeding, it is all the better for the courts. There is nothing in this world that is not a little better for being watched; and that will be a sad and a sorry day for the interests of purity in the administration of justice when the doors of the court-rooms shall be closed, and its proceedings shall be in secret, behind the door or in a corner."

A most detailed review of the case was then followed.

The counsel for Douglas had made great stress upon the payment of money by Rose to Douglas, on his being charged with

the failure to report the first payments, and then upon his execution of the deed, when the evidence had seemed to gather about him. Upon this point, Mr. Storrs ably remarked:

"There is nothing in this world easier than afterthought. There is nothing in this world easier than that supreme judgment that looks at a train of circumstances after the circumstances have all occurred, and declares 'I would not have done so under those circumstances, and it was not wise to do so under the circumstances.' There is nothing easier, and nothing which indicates much less wisdom, and much less of common and ordinary justice, not to say humanity, than thus to take any portion of a man's career, and judge it strictly by its results, and apply to it these tests and circumstances which surround us, utterly regardless of the difference between those circumstances and those in which the party was situated upon whom we are passing judgment. It is very easy indeed for us to say, and for the world to say—if the world desires to say—that, 'had we been innocent and in Rose's place, we would not have paid that \$600 nor have executed the deed.' Let us not be too sure about that. As a lawyer I have had some experience in this direction. I have seen brave men, and pure and good men pay money; I have known them to pay it to suppress publicity of a charge threatened against them, for which there was no earthly foundation. There is not a lawyer on earth who has ever transacted business enough of a professional character to entitle him to the name of a lawyer, whose experience is not full of just such instances; but while we are ready with our criticisms of Rose, and while we are so free to say what we would have done, or would not have done under those circumstances, let us remember that the case is not our case as we are situated, *But is Rose's case as he was situated.* It is a wise saying, if a homely one, 'Put yourself in his place.' He was a cripple; his little home was all he had in the world, and that he had paid for, giving the most sacred price that a man ever paid for anything in this world—his own blood.

"He had been carried on step by step, not knowing whither he was going, nor why. Paper after paper had been extracted from him; it seemed to him when this demand was finally made that he was absolutely environed, utterly helpless, and without proof. He was; he could not furnish a scintilla of evidence that he had paid a dollar of these moneys demanded of him. Environed in the web which had artfully been woven around him, what would he do? In the name of Heaven and common justice what could he do? To refuse was to lose everything—reputation, position, all means of earning a living for those who were dependent upon him. To refuse, the future was as black as night, and it had for this poor, environed man not one single ray of light or sunshine in it. To accede was, as he reasoned, and he did not reason very badly, was to save all this. And what did he do? Why, he acceded. And when we consider, retracing our steps for a few moments, the position in which he was placed; when we consider that days and weeks had been devoted to the purpose of trickily worming evidences from him, so that finally, when the demand was

made, a refusal of the demand was an impossibility; and an acceding to the demand was a necessity. All the evidence which is sought to be drawn from the fact that when that demand was finally made he acceded to it, that that acceding was an evidence of guilt falls utterly and helplessly to pieces, and if it proves anything in this world, it proves nothing more nor less than the wickedness of the man who made the demand."

That portion of Mr. Storrs' argument pertaining to the question of forgery was simply masterful reasoning and a most magnificent illustration of legal logic. It consumed the whole of one day, reviewed pro and con every scrap of evidence relating to Douglas' denial of his stub-signing, and evoked at times breathless silence, only to be broken by bursts of applause which the Court did not seem to be inclined to restrain. One of the counsel for Douglas, afterwards spoke of it, as "unequaled in courts of reason."

Mr. Storrs closed his argument by a review of Dr. Douglas' connection with the laboratory case from the beginning to the hour of trial, showing twenty-seven instances of contradiction in positions he had assumed, and summing up as follows:

"I do not present this list as complete; far from it. But under such a load of falsehood as this, any other cause would have long ago been sunk far out of sight. And could the counsel for Dr. Douglas have piled anything like such a number upon Rose, he would long ago have been driven from the country, and no friend could have been found so close that he would not long since have abandoned him and his defense. His evasions and subterfuges, his statements of half truths, and suppressions of truths, it is idle to attempt to set forth, for they would fill a volume and sicken the very soul in their rehearsal.

"To add to this frightful catalogue still other evidences, seems useless labor; but awful as the labor is, justice and truth demand that it should be done. Not only has his course since the discovery of this deficiency been trailed and discolored with falsehood, but *his entire career with the University, which so long trusted him, has been one steady and unbroken history of deception and fraud.*

"Up to 1868-'9 his reports had all been itemized, and the forfeited accounts reported. But then he suddenly ceased, and thenceforth lumped his accounts, and reports in aggregated amounts, and omitted to report, at the same time, the forfeited accounts, thus rendering the way for fraud easy, and thus involving us in all, or nearly all, the doubts and uncertainties which we have been compelled to meet, and which we have found it so difficult to solve. Into these dark recesses of accounts of 'sundry persons' does he run all questionable particulars and details, and under the convenient cover of these vague, unbusiness like and dishonest generalities does he hide himself when danger approaches. There is no better rule of law or justice than the one which



holds the party responsible for all uncertainties which he has himself created.

"Moreover, it was during these years that the largest amount of these deficiencies occurred, and it is a curious and most significant commentary upon his course—a course which he upon the stand confessed himself utterly unable to explain—that when he ceased to report in detail, and began to make his reports in lump, he ceased to report forfeited accounts at all.

"From his own book, now in evidence, it appears that his balances with the University were forced by erasures and alterations, by general and convenient sums charged as commissions, without the slightest specification of details; a system carrying its own commentary with it; a system which not only permits fraud, but invites it; a system so full of suspicion that it would not be tolerated among ordinary business men an hour.

"Holding hundreds and thousands of dollars in his hands, belonging to the University, which he used as his own, and of which he kept no separate account, he still, as his books show, charges the University hundreds of dollars as interest on moneys expended by him for the University, when he held at the very time its funds largely in excess of these expenditures. He seeks to excuse and explain this by the wretched pretense that the money thus in his hands was held subject to be called for by the students, when the proof now is, that no such call was ever made on him; that, of the moneys paid to him, he never returned a dollar to the student, and in the course of the business could not possibly have been called upon to do so.

"For years he held large sums of moneys as forfeited accounts in his hands, which he never reported to the University, and which he never yet has reported; and that under the miserable pretext that it devolved upon Rose to tell him when the proper time had arrived for him to pay the money over, and admitting that if Rose had never told him, those sums would have been a permanent investment in his hands.

"His reports carry, on their very face, the evidence of his manner of dealing with the University—altered and erased until they are hardly recognizable. Many of them now show no footings, or only incomplete footings. Balances have not been struck, and they are to-day in a condition entirely inconsistent with honest or straightforward transactions.

"He stands convicted of having changed and altered his own books, and of having mutilated and changed the records of the University, so that the evidence which they furnished against him should be destroyed. His own exhibits, after having been once used by him and withdrawn, are presented on another occasion mutilated and essentially changed; and yet he asks that the records which he now presents should be accepted as truth.

"Never was destruction more signal or complete than Douglas has wrought upon himself. To find any human being guilty of any offense on the testimony of the books or papers of a man whose credibility is thus ground to powder, would not be injustice; it would be judicial barbarism.

"Against Preston B. Rose no such record can be made. From a most rigid cross-examination, covering four days, he came out absolutely unscathed. Whenever comparisons were made between his testimony on former occasions and upon this trial, the agreement between them was perfect, save in



a single instance, where the testimony delivered by him before the Legislative Committee had, as was shown by the short-hand reporter, been incorrectly printed. His books are absolutely correct, and challenge and defy criticism. His manner upon the stand was admirable. His answers were frank, direct, and bore the impress of truth with them. Is it to be wondered at, that with such a record as Silas H. Douglas has thus made for himself, he fears to be tried before a jury in the county or in the State in which he has so long lived? No clamor as to the course pursued by the defendant Beal will avail him; and it is but common justice to say here and now, that from the first down to to-day, the course pursued by Mr. Beal in this controversy has been such as to challenge and it will receive, the hearty admiration of all right-minded and justice-loving men.

"Those graces which culture gives are desirable, it is true, but we can well spare them, rather than to abate one jot or tittle of honest admiration for a brave deed, such as the championship of the cause of the poor against the rich, of the weak against the powerful, assuredly is.

"Public opinion may indeed be, and sometimes is, wrong, but it is always honest. It is generally nearer the truth, and always more honest, than that other opinion, organized in the closet or in the drawing-room, whose methods are devious, whose routes are subterranean, and whose triumphs carry no laurels with them.

"I feel that the grave duty which has been imposed upon me as counsel in the closing of this case has not been performed with that absolute completeness and perfectness which the seriousness of the issue demands; but if there ever was a case where I have reached the closing scenes, and have felt in my very heart that the interests which I represent, and which I stand up before a judge to present as an advocate, were those which conscience sanctions, and which justice justifies—if I ever had such a case, that case is this case; and if I ever had such a client, that client is Preston B. Rose, who to-day stands at the bar of this court, asking its judgment. For mercy, your Honor, we have no appeals to make. We deem it necessary to make no appeals to anything except that solid, sound judgment, which acts on the facts, and on the facts alone. We appeal simply to that judgment which is the same in a Chancellor off the bench that it is on the bench. We appeal to that judgment which, in the ordinary affairs of life, is guided by the teaching of human experience, and is somewhat controlled by considerations of human probabilities. We appeal to these same tests which all men of sound judgment and proper sense of what is right and wrong apply, that the credibility of a man depends upon the naturalness and the probability of the story which he relates.

"There is nothing, if the Court pleases, about Dr. Douglas, or his case, there is nothing about the counsel who surround and defend him, there is nothing about the friends whom he has, there is nothing about his social position, there is nothing in any point of view that can relieve Dr. Douglas from those inexorable rules of logic and law that, demonstrated to be wilfully false and tricky in one particular, his entire case shall be affected by it. It is on this evidence, it is with reference to it, it is from no con-

siderations of the importance of this case as the public may deem it important that we make our appeal, and this last appeal to your Honor for vindication; and whatever the result may be, come weal or come woe, we do believe and we feel that it is so, that by the evidence in this case, Preston B. Rose stands before the world, so far as the effect of these charges is concerned, absolutely and triumphantly vindicated. I believe, too, that as he takes this, the final step of a long and toilsome journey which he has pursued, that great and benign figure which we call Justice will come down from its serene heights and its glittering eminences, that it will take the poor, frightened subordinate of the olden times by the hand, it will cover him with its shield, and it will protect him with its sword; it will lead him safely over every rocky place, past every difficult defile, and when those shining gates shall at last open, there will be home, and wife, and children, thanking God for his sure and certain deliverance."

The wish expressed in this splendid peroration was realized.

## CHAPTER XXIX.

### THE LAW OF LIBEL.

THE GREAT FIRE OF CHICAGO—MANUSCRIPT OF A VALUABLE TREATISE DESTROYED—LECTURE BASED ON THE RECOLLECTIONS OF A LOST BOOK—HISTORY OF THE TRIUMPH OF JURIES OVER JUDGES—SOME FAMOUS LIBEL INSTANCES—MULTUM IN PARVO.

THE great fire of Chicago began the night of Sunday, October 8, 1871. Mr. Storrs had been trying a trespass case, and had just entered upon his argument for the defendant, which he expected to close the following Monday. Mrs. Storrs was in New York, and on Saturday received a telegram from her husband in something like these words: "I have just commenced argument in the Kimball case. Shall close Monday and think I shall be able to start Monday or Tuesday night." On Monday morning, at the breakfast table, she was informed that Chicago was on fire; and, like most people at a distance, thought that the reports were exaggerated. As the telegrams came in, "Sherman house burned," "Court-house burned," she began to realize the extent of the calamity, and when the news came that the *Tribune* office was destroyed, she naturally became very anxious, for Mr. Storrs' office was as that time across the street from the *Tribune* office, on the southwest corner of Madison and Dearborn streets. As soon as Mr. Storrs could get a message through he telegraphed to her, "Don't come home. Office burned. Fire down as far as Van Buren street." He added that General Sheridan was blowing up buildings to stop the progress of the fire, and that he did not think it would reach as far as his house. He afterwards informed her that, having worked late on his argument in the Kimball case, he had slept soundly through the night, and knew nothing about the alarming extent of the

fire until Monday morning, when the housemaid informed him that the fire, which he had heard had broken out on the west side the previous evening, had now spread over on the south side. The north side was then entirely gone, and the flames were making rapid headway in a southerly direction. Through the energetic measures taken by General Sheridan, the fire was stopped at Van Buren street.

Mr. Storrs did not sit down in despondency, but the morning after the burning of his office, he turned his dining-room on Michigan Avenue into his law headquarters, and made the kitchen serve the purpose of a dining-room as well; and from the basement window, hung out a board with his name on it. Not long afterwards, Colonel John Van Arman, who had a large house in Park Row, where he yet lives, invited Mr. Storrs to join him there, as being nearer the business centre, and they continued to practice their profession there, under the firm name of Storrs & Van Arman, until the Hawley building was erected on the same site where his offices had stood before, opposite the *Tribune*. He then moved back there, remaining until May, 1873, when he rented the offices on Washington Street which he continued to occupy for twelve years, until the time of his death.

Mr. Storrs had only a day or two previous to the great fire taken to his office the manuscript of an elaborate legal treatise, arranged for publication in book form by the law-publishing house of Callaghan & Company, upon the law of libel and slander. At that date, there was no really good American text-work on the subject, and, taken in connection with the author's rising fame and forcible style, the publishers were expecting an unusually saleable book. It was fully written, and it was for the final revision and indexing that Mr. Storrs had carried the manuscript to his office where it perished in the general wreck. Although frequently urged to reconstruct what had been destroyed he never, so far as is known, made the attempt, but in a lecture before the Chicago Law Institute, March 24, 1877, delivered upon very sudden notice, he demonstrated that the many months of research upon the law of libel, though made years before, were not wasted. The lecture illustrated, also, in how compact and clear a manner, he could trace the growth and workings of a great principle. The lecture was as follows:

"GENTLEMEN: The law of libel as it is now understood and administered has but little about it that is venerable. In its present condition it is the result of a long and bitter contest between power and the people, between judges and juries. The people and the juries triumphed in that contest, and that triumph secured the freedom of the press. 'The law of libel as understood and administered throughout nearly the whole of the eighteenth century enabled the courts of law, as the authorized exponents of morality and duty to the government, to declare any writing to be criminal.' Viewing this question in an exclusively legal point of view, it is hardly possible to resist the inference that the question of libel or no libel was a question for the court, and that the averment of the malicious intention of the publisher was an averment which did not require proof. The popular sentiment which found its expression through the juries, and finally through the legislature, was undoubtedly right in denouncing the existence of this power in the courts as fatal to liberty.

"Very briefly I purpose to give you a sketch of that memorable contest between juries and judges, and in which in the interests of civil liberty and the freedom of the press the former so signally triumphed.

"From its beginning to its close the contest was one between the government and the people. The first notable instance of this conflict occurred during the administration of Lord Chief Justice Hardwicke, who enunciated the law that juries in cases of libel were merely to consider questions of fact as to the writing or the inferences, but happily the juries never accepted Lord Hardwicke's reading of the law.

"The presentation of this great issue in such shape as to attract public attention to its vital consequence was reserved for Lord Mansfield, during the reign of George III., and arose in the prosecution of Woodfall, for the publication of a letter supposed to reflect upon his majesty the king. There was in that case no doubt as to the publishing, and the attempt was made to persuade the jury that the letter was not libelous, and thus the great question was distinctly presented, whether this was a question for the jury or exclusively for the court. Lord Mansfield said: 'All the jury had to consider was whether the defendant had published the letter set out in the information, and whether the innuendoes imputing a particular meaning to particular words, as that 'the K.' meant his majesty King George III., but that they were not to consider whether the publication was, as alleged in the information, false and malicious, these being mere formal words, and that whether the letter *was libelous or innocent was a pure question of law*, upon which the opinion of the court might be taken by a demurrer or a motion in arrest of judgment.'

"The effect of this decision was to convict the accused, and then compel him to take his chances by a submission of the real question of libel or no libel to a court afterward.

"The jurors were, however, disinclined to subscribe to Lord Mansfield's rulings, and returned a verdict 'guilty of the printing and publishing *only*.' This verdict was subsequently set aside, and Woodfall was secure.

"An information had also been filed against one Miller for the publication



of an alleged seditious libel, which came on for trial before Lord Mansfield. In that case he very solemnly told the jury that the question for their determination was whether the defendant printed and published a paper of the tenor and meaning charged in the information, and that they had nothing to do with the question as to whether the paper was or was not a libel, but that if they believed that a paper of the tenor and meaning charged in the information had in part been published by the defendant, they should find a verdict of guilty.

"There was no doubt as to the publication, yet so strongly did public opinion set against this view of the law, that the jury rendered a verdict of not guilty, upon which many thousand people in a procession proceeded to the house of Lord Mansfield, proclaiming the verdict.

"The rulings of Lord Mansfield in Woodfall's case were made the topic of discussion in the House of Lords, and at a sitting of the house Lord Camden presented to Lord Mansfield the following points:

"1. Does the opinion mean to declare that upon the general issue of not guilty, in the case of a seditious libel, the jury have no right by law to examine the innocence or criminality of the paper if they think fit, and to form their verdict upon such examination?

"2. Does the opinion mean to declare that in the case above mentioned, where the jury have delivered in their verdict guilty, this verdict has found the fact only and not the law?

"3. Is it to be understood by this opinion that if the jury come to the bar and say that they find the printing and publishing, but that the paper is no libel, the jury are to be taken to have found the defendant guilty generally, and the verdict must be so entered up?

"4. Whether the opinion means to say that the judge, after giving his opinion of the innocence or criminality of the paper, should leave the consideration of that matter, together with the printing and publishing, to the jury, such a discretion would be contrary to law?

"Lord Mansfield declined the discussion.

"This great question was renewed in the case of the dean of St. Asaph. Sir William Jones, whose loyalty was beyond all dispute, and who stood intellectually among the first men of the time, had written a tract entitled 'A Dialogue Between a Gentleman and a Farmer,' a plea in very mild terms for parliamentary reform, and his brother-in-law, the dean of St. Asaph, had recommended it to a Welsh reform society and caused it to be reprinted.

"Thereupon an indictment was preferred against the dean and was brought on to trial before Mr. Justice Briller. The defense was conducted by Erskine. The court said to the jury: 'If you are satisfied that the defendant did publish this pamphlet, and are satisfied as to the truth of the innuendoes, you ought in point of law to find him guilty.' Upon the return of the jury into court the following remarkable scene occurred (p. 165): Erskine moved for a new trial, referring to which he said: 'I move the motion from no hope of success, but from a fixed resolution to expose to public contempt the doctrines fastened upon the public as law by Lord Chief Justice Mansfield,

and to excite if possible the attention of parliament to so great an object of national freedom.'

"The motion came on before Lord Mansfield and was by him overruled, he holding that the question of libel or no libel was exclusively for the court. This famous cause created great feeling and finally resulted in the passage of what has since been known as Fox's Libel Bill, declaring that on a trial for libel the jury in their verdict should have the right to take into consideration the character and tendency of the paper alleged to be libelous. This famous bill became a law in 1792, eight years after the decision in the dean of St. Asaph's case:

"It is entitled, 'An act to remove doubts suspecting the functions of juries in cases of libel,' and it enacts that the jury may give a general verdict of guilty or not guilty upon the whole matter put in issue upon the indictment or information, and shall not be required or directed by the court or judge before whom it shall be tried to find the defendant guilty merely on the proof of the publication of the paper charged to be a libel and of the sense ascribed to the same in the indictment or information.

"Provided that on every such trial the court or judge before whom it shall be tried shall according to their discretion give their opinion and direction to the jury on the matter in issue in like manner as in other criminal cases.

"But the victory was by no means fully won, for the judges, in violation of both the letter and spirit of the statute found methods of evading it.

"The first prominent case after that bill became a law was a prosecution for libel on an information filed against the proprietor of *The Morning Chronicle*, for publishing certain resolutions of a public meeting held at Derby in favor of parliamentary reform and against abuses in the government. The case was tried before Lord Chief Justice Kenyon, and, as Lord Campbell observes, 'To the chief justice's shame, it must be recorded that he misconstrued and perverted this noble law, establishing a precedent which was followed for near half a century, to the manifest grievance of the accused.' Lord Kenyon, in charging the jury, said, 'I am bound by oath to answer that I think this paper was published with a wicked, malicious intent to vilify the government, and to make the people discontented with the constitution under which they live,' and, again, 'On this ground I consider it a gross and seditious libel.'

"But, notwithstanding all this, the jury found a verdict of 'guilty of publishing, but with no malicious intent,' and being told that this verdict could not be received, after sitting up all night, they next morning returned a verdict of 'not guilty.'

"The bad precedent thus set by Lord Kenyon was followed by much greater men. An information was brought in the year 1811 against Leigh Hunt for publishing an article against the excess to which the punishment of flagellation had been carried in the army.

"The cause was tried before Lord Ellenborough, who said to the jury: 'I have no doubt this libel has been published with the intention imputed to it, and that it is entitled to the character given to it by the information.'

"Nevertheless, to the unspeakable mortification of the judge, the jury found a verdict of 'not guilty.'

"But the most complete triumph of the juries over the courts was witnessed in the famous trials of Hone, for libel, based upon parodies of a political character.

"Hone, a poor, obscure, and threadbare publisher, defended himself. His first trial was had before Mr. Justice Abbott, and resulted, notwithstanding the earnest efforts of the court to secure a conviction, in a verdict of not guilty.

"Lord Ellenborough determined that he would sit upon the trial of the other cases, and did so, and nothing in the whole range of English jurisprudence is more interesting than the contest between the obscure book-seller and the great judge, at whose frown the entire English bar would tremble.

"Daunted but not altogether discouraged, Lord Ellenborough insisted on putting the third information upon trial, which resulted in a verdict of 'not guilty.' The poor book-seller had triumphed, and here ended his lordship's judicial career.

"Upon the second trial he had said to the jury: 'I will deliver to you my solemn opinion, as I am required by act of parliament to do under the authority of that act, and still more in obedience to my conscience and my God. *I pronounce it to be a most impious and profane libel.*'

"It was all of no avail, for whatever the noble lord's solemn opinion might be, the jury was determined that there should be in England free expression of opinion on political opinions, and they manfully met the chief justice with their verdict of 'not guilty.'

"By all friends of a free press everywhere these successive verdicts were regarded as great victories.

"As complete as was Hone's triumph, much remained to be done.

"The doctrine laid down by Lord Mansfield in *Rex vs. Almon*, in which he held that a sale by a servant was prima facie evidence of a publication by the master, was, during the reign of terror upon the outbreak of the first French revolution, grossly perverted, and judges refused evidence to prove that libelous articles had been inserted in newspapers when the registered proprietor who was prima facie answerable, was not only lying unconsciously sick in bed at the time of the publication but had given express orders to the acting editor that the articles should not be admitted. The occurrence of such iniquity is forever prevented by Lord Campbell's libel act, which saves the master from criminal responsibility for an unauthorized publication by the servant.

"Not until the year 1845 could the truth of the facts stated in the publication be inquired into in the English courts, which was expressly permitted by Lord Campbell's libel bill permitting the truth to be given in evidence and referring it to the jury to decide whether the defendant was actuated by malice or by a desire for the good of the community.

"By the same act,—and this I submit is a great and needed improvement in the law—the publisher is permitted to plead that the libel was

published without actual malice or gross negligence, and that at the earliest opportunity, and before action, he published a full apology in his own newspaper, or if that were published at a longer interval than a week, in some paper selected by the injured person, and that he had paid into court such sums as secured a fair compensation for the injury.

"I venture the suggestion that a statute of a similar character would be well here. It would protect the publisher against suits brought for merely money purposes, and prompted by mercenary motives. It would furnish a sufficient protection to those injured by such publications. It would remove the shame of inflicting upon a publisher, absolutely guiltless as far as malicious intent was concerned, of any offense whatever, a penalty amounting in some instances to a fortune, and that too where the actual injury suffered had been trifling. In short, such a law would protect both parties—the injured party to the extent of recompensing him for the damages *actually sustained by him*; the publisher to the extent of protecting him against vexatious and expensive litigation. Great changes and modifications in the law of libel other than those I have indicated, have been worked by the silent but most effective agency of public opinion.

"The doctrine of privileged communication has been greatly extended, and now embraces not only such necessary statements as men may make with reference to the character of their servants and agents in the prosecution of and for the protection of their own interests, the publication of the proceedings of courts of justice and of legislative and other public bodies, but criticism although erroneous, upon public men and public measures, upon literary performances, books, pictures, public speeches—in fact, upon all such enterprises as appeal to the public for support. The law of privileges as now held does not require infallibility of judgment, it exacts merely honesty of purpose.

"Gentlemen, we are all as lawyers peculiarly interested in a free press, and also interested in preventing the prostitution to unworthy purposes of the great power which the press wields.

"The freedom which the press to-day enjoys has been won after hard and bitter contests. But little of this freedom was voluntarily given to it, but it wrested it after hard-fought battles from the stern grip of power.

"Hardwicke, Mansfield, Kenyon, Butler, Tenterden, Ellenborough, all great judges, and, as the world went, good men, could not conceive that the government which smiled upon and ennobled them could be improved. Such a government to them seemed perfect, and any criticism upon it a crime. They did not seem to know that although the sun shone upon them, there were millions whose hearts and homes its rays never reached. Thus they leagued themselves with power, and the great reform worked its way upward; it did not come from the great and powerful down to the weak and the lowly, but from those beneath to those above.

"The freedom of the press is no glittering, barren theory. It is a great vital principle, which we must guard, no part of which can ever be surrendered."

## CHAPTER XXX.

### RESUMPTION OF SPECIE PAYMENTS.

MR. STORRS AT SYCAMORE, ILLINOIS, 1878—EXPLODED THEORIES OF FINANCE—DOES INFLATION INFLATE?—HISTORY OF PAPER CURRENCY INFLATION IN THE PAST—THE PANIC OF 1873 NOT BROUGHT ABOUT BY A LACK OF CURRENCY—PROPOSITION TO “RESTORE CONFIDENCE” BY AN ACT OF CONGRESS—FIAT MONEY A PROJECT OF REPUDIATION—THE PHILOSOPHER’S STONE A RATIONAL SCHEME COMPARED WITH IT—MR. GLADSTONE’S TRIBUTE TO THE ACHIEVEMENTS OF AMERICA IN PAYING HER DEBT.

THOSE who have followed Mr. Storrs’ political utterances up to this point will have seen that he was earnestly in favor of preserving the national honor and credit by paying the war debt dollar for dollar, and that he was vehemently opposed to the Pendleton scheme of making the government bonds, contracted for in gold, redeemable in greenbacks of depreciated value. Equally sound and practical was he in opposing the theories of those who thought that the pressure of hard times was owing to the scarcity of currency, and that the government could at will relieve this pressure by printing off an indefinite number of bills and labelling them money. The fiat money men were rampant in 1878, when Mr. Storrs delivered at Sycamore, Illinois, one of the ablest, and most convincing arguments against these delusions that was ever made. This speech was printed and circulated, and did great service in keeping the Illinois merchants and farmers true to their convictions on this important question. The business men of Illinois were nearly all hard money men,—or, as Mr. Storrs put it, “honest money” men; but the clamorers for fiat money were making converts, and this address was timely, and salutary in its effects.

Having received a copy of this very lucid address, Judge Porter, of New York, wrote Mr. Storrs as follows:



"New York, Nov. 7, 1878.

"MY DEAR STORRS :

"I have just finished a second reading of your speech at Sycamore. It is simply *superb*. I don't know what that word was invented for, except to apply to just such a masterpiece. It is not merely splendid in its rhetoric, and iron-clad in its logic, but it opens through a valley of thick darkness a path of clear, shining and blazing light.

"With hearty thanks and congratulations,

"Your friend,

"JOHN K. PORTER."

To Judge Blodgett he sent a copy of this address with a characteristic note, which may here find a fitting place:

"MY DEAR JUDGE :

"Never having had any money I have always had a desire to read about it, as the only means of ever acquiring any knowledge of that subject.

"The result of my readings and my meditations is embodied in the speech of which I send you herewith a printed copy.

"Please to compare my theoretical knowledge of money with your practical experience with it.

"Yours very respectfully,

"EMERY A STORRS."

From this valuable discussion of the money question the following extracts are made.

"It is persistently urged by the advocates of the new theories of finance that the currency has been contracted, and that all business interests have seriously suffered by this alleged contraction. If the amount of currency in circulation is to be determined by its *purchasing power*, the statement is grossly untrue. The volume of currency necessary for the legitimate wants of business is determined, not by the number of pieces, nor the denominations of metal in circulation, but by the value and purchasing power of the metal. If in the exercise of that fiat power, which it is now claimed that Congress possesses, it had during the war issued five hundred million pieces of iron of the size of the Eagle, and stamped each piece ten dollars, making it a legal tender to that amount, we should have had an immense nominal circulation, but the substitution in the place of the five hundred millions of iron fiat Eagles of two hundred and fifty millions of gold Eagles, would not have been a *contraction*, but an immense inflation of the circulating medium.

"There are two methods of 'inflating' the currency: One is, to enhance and continually increase the value and purchasing power of that already in circulation. Another is, to add to an already depreciated currency more depreciated currency, the sure result of which is the swift decline of both new paper currency and of old, until all is buried in a common grave of worthlessness.

"No legislative enactment has yet been sufficiently powerful to prevent the measurement of the value of the paper dollar by comparing it with the

gold dollar. On the 30th day of June, 1864, one gold dollar would buy very nearly three times as much labor, or anything else that anyone on this earth had to sell, as the paper dollar. Hence, in 1864, one gold dollar would do three times as much business as the paper dollar, would employ three times as many people, would purchase three times as much food or clothing. In the meantime, the value of the gold dollar has not depreciated, but the value of the paper dollar has very nearly trebled, so that the farmer with one thousand dollars in bank to-day, has as much actual money as in June, 1864, he had with three thousand dollars in bank to his credit.

"The inflation of paper currency, by adding to its volume to meet the supposed requirements of business, universally fails of its purpose. The value or purchasing power of the currency depreciates with each addition to its volume, until there is great force in the call for 'more money,'—because, for all practical purposes, there is finally 'no money' at all. All experiments of this character have passed through the same dismal experience and terminated in disaster.

"The history of paper currency inflations in the past, ought to furnish us guides for our present policy, and to the wise, that history will not pass unheeded. As far back in our history as the year 1723, the scheme of government issues of paper currency, loaned by the government on real-estate security, was fully tested in Pennsylvania. Fifteen thousand pounds in paper currency was issued and put in the hands of the commissioners of each county, according to the taxable assessment. The commissioners loaned the bills at five per cent. on mortgage of land. The scheme was tested to the bitter end, and proved a calamitous and shameful failure. The same scheme was adopted in New England as early as the year 1715, and bank after bank was established, for, soon after each issue, money mysteriously became 'scarce,' and led to the necessity of new issues. The historian of that period tells us that 'all who had received loans joined as a compact body in favor of further issues. All new issues to others depreciated the currency and enabled them to pay back more easily. However (he says) they did not in many cases pay at all either principal or interest. Having accumulated large arrears, they decamped, and when process issued they could not be found.'

"Speaking of the paper currency of that time, *Hutchinson* says: 'The influence which a bad currency has on the morals of a people is greater than is generally imagined.' But mark the course of events, and observe how history repeats itself. In 1715 the governor recommended the assembly to take measures to revive the low state of trade. And they accordingly issued one hundred thousand pounds of bills, 'because bills were scarce.' These were issued on loan, and there was an immediate rise in prices—hence bills were again scarce. In 1719 a fiat money man of that period declared that '£50,000 ought to be *laid out for building a bridge over Charles river, so that workmen might be employed and currency enlarged*, as well as the public accommodated, and (he says) ruin will come unless more bills of credit are emitted.'

"In 1720 trade was stagnant, and there was a great cry for more bills. How rapidly even in those early days the country 'grew up' to the absurdly inflated and excessive volume of currency.

"For the purpose of bringing about issues of paper, 'expeditions were favored and public works were advocated.' Listening to this clamor for 'more money,' Massachusetts, in 1721, issued £100,000 and forbade buying and selling silver. Money again became 'scarce,' and in 1724 there was an additional issue of £30,000.-

"In 1727 money was again 'scarce,' trade was stagnant, and in this year £50,000 was issued to redeem in part the old issue; and on the same basis, and 'because bills were scarce,' £60,000 more was issued in 1728.

"At this point the Colony was no longer allowed to issue paper currency, and bank projects were revived. Notwithstanding the immense volume of currency outstanding, the year 1733 was one of great distress in New England. 'Trade was stagnant and money scarce.' Rhode Island issued £100,000. The Boston merchants issued £110,000. Silver rose enormously. In 1737 'new tenor' bills were issued at the rate of one for three of the old. In 1739 the Land Bank Scheme was revived, and the preamble of the bank schedule recited,—that it is organized 'in order to redress the existing circumstances which the trade of this province labors under for want of a *medium*.' The large merchants refused its notes, but in the hands of the small dealers there was over £35,000.

"Another bank was also organized, called the specie bank, which was to issue £120,000 in notes redeemable in silver. At every new issue the currency depreciated, carrying old and new with it. In 1749, Massachusetts had out the enormous circulation of £2,466,712, and at that time exchange on London stood at 1,100! Trade was then at its lowest ebb. Ship building and fisheries had declined—people were moving away—and by what means, think you, was prosperity restored? The people had tried during the period of thirty-four years every scheme for relief which is recommended by the Nationals, Greenbackers, and Fiatists of the present day. They had, finally, for Massachusetts alone, a paper currency barely one million pounds less than the circulation of the Bank of England at that time.

"Money was scarce—trade was stagnant—all business enterprises were drooping. They had tried all these experiments which are recommended to us to-day, and all miserably failed. The inflexible laws of trade, as inflexible as those great natural laws by which the universe is governed stubbornly refused to be coerced.

"But one experiment was left—that was finally tried, and that experiment was resumption. It worked almost instantly and marvelously. Massachusetts devoted her share of the ransom of Louisburg, which came to her from the mother country in specie, to the cancellation of this outstanding paper, eleven to one. Prices were at once adjusted to this new measure, and the coin remained with them when it had no meaner competitor. Rhode Island and New Hampshire, adhering to their old ways, found their trade transferred to the coin colony. The trade of Newport was at once transferred to Salem and Newport and nothing, more was heard in Massachusetts of the scarcity of money until she repeated her old errors.

"Perhaps the most striking illustration of an inflated currency, and the evils attending it, which our history furnishes, is to be found in the Continental money. The Continental Congress had issued paper for \$9,000,000 before the depreciation began, and at every successive addition to that volume, the whole mass sank. Congress did its best to sustain the bills, but all was of no avail. In 1780, \$200,000,000 of bills were out. They were then worth two cents on the dollar, and then sank to rise no more. So that while \$9,000,000 of currency were worth in 1776, \$9,000,000, in 1780, only four years afterwards, \$200,000,000 bills were worth only \$4,000,000. History repeated itself during the rebellion, for during the earlier years of the war, the addition to the *volume* of the currency reduced the purchasing power of the entire mass to a point below the original volume.

"The difference between coin and every other commodity is clear, and is this, that specific *quantities* of other things are needed, 'whilst of gold it is specific *values*.' A definite piece of cloth of a given size is needed for the coat; a definite piece of leather of a given size for the shoe; a definite piece of iron or steel of a given weight for the railway track. If iron and cloth and leather were all cheapened, no more iron, or cloth or leather would be issued for the specific coat, boots or railway track—although more coats, boots and railway tracks might be manufactured. No man would wear a larger coat, or increase the size of his boots, because of a sudden decline in the price of cloth and leather. Whereas, if gold were cheapened we should be compelled for the purposes of coin to use more gold.

"Prominent among the remedies suggested by the Greenbackers for our present financial difficulties, is the demand made by them, perhaps more persistently than any other, for the Destruction of the National Banks. The objections urged against the National Banks are numerous, and these I will consider in detail. It is claimed, 1. That they are Monopolies. There can be no mistake as to the meaning of the word 'monopolize.' It is 'to buy up so as to be the only purchaser and seller; to obtain the monopoly or the whole of,' and 'monopoly' signifies 'the exclusive possession of anything; sole right of selling.' The basis of the National Banks is the government bonds. The banks have not bought up all these bonds. Any one can readily buy all the bonds that he has the money to pay for. Nor is the right to use the government bonds as a banking capital, and as a basis for circulation conferred upon any men or class of men. That right is absolutely open and free to all; the farmer, the mechanic, in fact everybody is invited to join this monopoly, to participate in its benefits, profits, and advantages.

"There is no more monopoly in banking than there is in farming. True it is that everybody has not the money to buy government bonds, and true it also is, that everybody has not the money to pay for a farm, or the credit to buy one on time. I assume that it is not asked that the government shall give these bonds to needy people, who have not the money to buy them, in order to enable those needy people to go into the banking business. That enterprise would certainly not be profitable. As well might you ask the government to give every unemployed Greenbacker a farm, as to give him a bond.



"In these particulars, at least, the National Banks are not monopolies. How then are they so? Certainly it is not for the reason that the ownership of the capital of the National Banks is in few hands. There are 208,486 owners of National Bank shares. An alarming number of monopolists. Of this army of shareholders, only 767 own over 500 shares. In the State of *New York* there are 1,482,746 shares of National Bank stock owned by 34,181 persons, an average of 43 shares to each person.

"*Pennsylvania* National Banks have 884,539 shares owned by 29,895 persons, or an average of 29 shares to each person. The *Massachusetts* banks have 988,700 shares, owned by 51,726 persons, an average of 19 shares to each person; and of these shareholders, 32,235 persons own ten shares or less. How utterly in the face of these figures, all this denunciation of the National Banks as great monopolists, appears. A great army of over 208,000 men, women and children, whose savings and whose little fortunes are invested in these bank shares, are the bloated monopolists against whom the wrath of the noisy demagogue is directed.

"2. The second objection made to the National Banks is, that they receive interest on their bonds deposited as security for their circulation, and also upon the circulation itself. This is objected to, and it is claimed that the people are thus compelled to pay about fifteen millions of dollars per year as one of the expenses of maintaining the National Banking, from which they would be relieved if that system were abolished. The present National Bank circulation may be stated in round numbers at \$291,000,000. This circulation is secured by deposits of \$343,000,000 on government bonds. The account between the National Banks and the people, so far as the question of interest is concerned, may be thus briefly stated:

"Paid to the Banks as interest on \$291,000,000 government bonds. \$14,595,000

"But the Banks pay—

"United States taxes paid last year . . . . . \$7,076,087

"State, county and municipal taxes . . . . . 9,701,732

—————\$16,777,819

"In other words, the people have received and been benefited by taxes paid by the National Banks, \$2,182,819 more than the interest they have received from the government.

"But let us pursue this investigation still further. Suppose that the National Banks are wiped out of existence, what relief, so far as this question of interest is concerned, does that give? Do we get rid of paying that interest? By no means, for upon the surrender of the circulation, the bonds must be returned to the owners, and the government still continues to pay the interest on those identical bonds.

"If greenbacks are substituted in place of the National Bank notes, they will be loaned out to the borrower on interest but will pay no taxes to the government. What do you gain, then, by abolishing the National Banks? Clearly if you substitute greenbacks you lose over \$7,000,000 of annual taxes which the National Banks now pay, and your greenback is no more secure than the National Bank note.

"Finally, it is urged against the National Banks that during all the



time which has intervened since the panic of 1873, they have continually prospered, and that this prosperity has been at the expense of the people. The difficulty with this suggestion is that the facts do not seem to sustain it.

"The banking capital of New York city in 1873 was . . . . \$88,031,800  
 "Surplus was . . . . . 38,867,100

"Total . . . . . \$126,918,900

"In 1878 the banking capital was . . . . . \$67,072,800  
 "Surplus . . . . . 28,093,600

"Total . . . . . \$95,166,400

"Showing a total reduction of \$31,752,500.

"It is certainly very curious that these banks should in five years voluntarily reduce their capital \$21,000,000, if the business in which they were engaged was so prosperous, and the circulation of their notes so desirable as the Greenbackers claim.

"The more conservative of those who seek financial reforms, and insist upon the discontinuance of the National Banks, would not probably favor a re-establishment of the State banks, but rather a substitution of greenbacks in place of the National Bank note circulation. Upon this point there may be honest differences of opinion, but it is clear that there are so many difficulties attending the emission of a circulating medium by the Government, that the plan ought never to be pursued save under the stress of some great and overriding emergency. The history of the Greenback and its origin shows very clearly that it was not intended as a permanent policy of the nation, but in the presence of a great rebellion the Government under the pressure of a supposed necessity, resorted to its own promises, to which they attached the legal-tender characteristics for the purpose of enabling them to meet the enormous expenditures suddenly forced upon them. Under the peculiar circumstances then existing, no difficulties were encountered in finding avenues for circulation, for the Government was itself an immense buyer in the markets, and paid for its purchases in its own promises to pay in the future. Thus easily enough the Greenback found a circulation, but after a certain point had been reached, prices began steadily to advance and continued as steadily to advance with each new issue, until finally the purchasing power of the Greenback, as I have already shown, was reduced to nearly one-third the gold dollar.

"The first issues of Greenbacks were in April, 1862, and by August of that year specie was entirely driven out of circulation. The advance of prices necessarily led to a vast increase in the expenditures, and it would be idle to estimate how much of our national debt is the legitimate result of paper inflation. The advance in the price of gold was constant. In 1863 it reached \$1.40-50, thus reducing the paper dollar to 65 or 75 cents. As inflation was continued this depreciation of the Greenback kept steady pace with it until June 17, 1864, congress interposed its *fiat* and forbade time rates for gold. The effect of this was immediate, but not at all what

was anticipated. Gold advanced in face of the fiat, and on the 30th of June, 1864, had reached \$2.85. On the 2d of July, 1864, the law was repealed, and gold declined.

"The war had closed. The Government had gone out of the markets. Its enormous demand had ceased, and all saw that there was and could by no possibility be any legitimate employment for all the currency which the Government had put into circulation. Hence with almost universal approbation the country resolved upon contraction as the first step toward resumption. In December, 1865, the House voted 144 to 6, to authorize a contraction of \$10,000,000, in the then next six months, and of \$4,000,000 per month after that. This went on until January, 1868, 'but in the meantime the National Banks were going into operation, being allowed \$300,000,000 of circulation, and their notes more than compensated for the greenbacks withdrawn. There was therefore practically but little reduction of the currency,' and in 1867 speculation began to spring up, stimulated by the excess of circulating medium, and these speculations, wild and reckless as they now appear to be, absorbed the redundant currency until again in 1873 'money was scarce.'"

"As a measure of great overriding public necessity, the Government during the war made its promises to pay a legal tender for the payment of debts; thus changing the terms of every contract for the payment of money thereafter to be performed, and confiscating at one blow, at least one-half the outstanding credits of the nation. Such a policy is never resorted to save in the direst extremity and under the pressure of a necessity no less than the preservation of the national existence. There are those who believe that it can never be justified, for they argue that it never can be necessary. But however that may be, nothing but the supposed presence of this great emergency ever justified the Government in the exercise of this most dangerous power.

"To-day no such necessity exists. The greenbacks having been made a legal tender as a war measure, we can with no more propriety continue to make them legal tenders, after peace has been fully restored, than Government could to-day declare martial law in Chicago, or make military arrests here, when we are menaced by no enemy, when peace is profound, when the courts are in the complete, perfect and undisturbed enjoyment of all their functions.

"I have still failed to touch upon what has been in many quarters of the country regarded as the strongest ground upon which those disaffected with the present condition and management of our financial affairs stand. I mean the demand for *Fiat Money*. I certainly do not wish to misstate the positions held by those who advocate and proclaim this theory, and, in a very general way, it seems to be that the Government should issue, for the payment of its bonds and in unlimited quantities, a paper currency irredeemable in its character, to which no obligation of the Government, either at present or in the future, is to be attached, which shall be a legal tender for the payment of all debts, which shall be accepted in payment of revenues, and which shall be declared by act of Congress to be *money*.

“The difficulty in reasoning upon this proposition arises, in a great measure, from its utter disregard of what up to the present time we had all considered as fundamental ideas in government. We have hitherto supposed that any scheme of finance which could be shown to be injurious to the national credit, in any degree a violation of the public faith or of public engagements, would be, upon such a showing, at once rejected. But here is a scheme which openly proclaims a violation and repudiation of national obligations as the very end sought for. Such a proposition stuns one. It is as embarrassing as it would be in the discussion of a mathematical question for one of the parties to dispute the multiplication table and call for its immediate repeal.

“This new money starts without a foundation and ends without substance. The old pursuit of the philosopher’s stone, the efforts of the alchemists to transmute, by some mysterious agencies, a base metal into a better one, lead into gold, was rational compared with the fiat money project. For the alchemist did start with something substantial, and proposed to wind up with something better; he started with lead or iron and proposed to close with gold, while the fiatists start with nothing, and end with what they started with. A legislative body, howsoever powerful and able it may be in the adjustment of political problems, has no more power to change the nature of things, or to create something out of nothing, than the old alchemist possessed. The attempt is pure sorcery, and will be as ineffectual and as unavailing as would the effort by act of Congress to make grass grow on barren rocks and without seed, or to change the course of the seasons.

“Not only are all natural laws in conflict with this wild and ruinous scheme, but it is in the teeth of all human experience, past and present. It is claimed that the stamp of the Government gives value to the gold Eagle, and the same stamp would be sufficiently efficacious to give an equal value to a paper Eagle. Assuredly this is not true. Passing the consideration of the question as to the inherent and intrinsic value of gold, let us take a simple illustration. Suppose that a twenty-dollar gold piece, fresh from the Mint, with the Government stamp clear and bright upon it, were subjected to a hammering process so severe that every mark of the stamp were effaced, that neither letter, figures, nor symbol of any kind was visible upon it; let its shape be changed, roll into a sphere, pound it into any shape you please, leave the quantity of the metal unimpaired, and you still have substantially twenty dollars in value. On the other hand take your fiat piece of paper upon which the Government has stamped or printed ‘This is twenty dollars.’ Rub out that inscription, roll into a sphere, and it is a paper wad, of the value of a paper wad, no more, no less.

“It is quite clear, therefore, that there is between the paper and the coin an inherent and essential difference in their intrinsic value. Paper money dies with the Government which issued it, and becomes valueless. Gold coin endures when the Government which stamped it has passed out of recorded history, and is removed into the dim periods of tradition. Should there be found in the tomb of a mummy thousands of years old a gold

coin, its purchasing power—its value—inheres in it, and the currents of ages have not worn it away. But the Confederate note found its grave before the last ditch of the Confederacy itself was reached.

“If the use of fiat money could be limited to its legitimate range of operations, there would possibly be no very serious objections to it. If fiat money were used only in exchange for fiat *things*, no great harm would be done, except the loss of time involved in a transaction so utterly idle. No serious calamity would follow the trading of fiat dollars for fiat bread or fiat clothes, but the difficulty would be that ultimately some one would get hungry or cold, would clamor for the real article, and then the trouble would begin. Any association of gentlemen who desire it may legally engage day after day, and for as long a period of time as they can hold out, in trading shadows and exchanging fictions, but nothing but shadows and fictions will remain at the end of the transaction. The stamp of the Government upon a piece of paper, ‘This is a dollar,’ is pure fiction, known by the whole civilized world to be a fiction, and spurned and rejected as any other impudent fiction would be. It is utterly impossible to attach any value to such a fraudulent and lying pretense. The Government may undertake to force the creditor to accept such a fiction for the reality, but that is simply adding to the crime of falsehood the additional and higher crime of robbery; and all those who clamor for such a scheme of public robbery, for the purpose of availing themselves of its benefits, are guilty of the same crime.

“This scheme also has in view professedly the interests of the farmer and the laboring man. It is impossible to discover how either can be benefited by this policy. The Government, acting through Congress, may declare that fiat money shall be legal tender for the payment of all debts, and may compel the creditor to accept it in satisfaction of the debt, but it cannot compel the sale of a single thing for such money. It may rob the citizen of his rights under contracts already existing, but it can never compel the citizen to make a contract. I venture the assertion that the needy farmer or laboring man would never use this money but once, and that would be in the payment of some debt. No farmer would make a contract for the sale of his products, to be paid at a future time in fiat money. No sane man would enter into any business engagement for the future, nor make any investments where the returns were to be reaped in fiat money. The proposition is, as I understand it, to force this money upon the bondholder. Suppose the scheme succeeds that far; every bondholder thus swindled would understand perfectly well the valuelessness of such a currency.

“You may rest assured he would not hold it long. Trade for a time would be very active, for the holder of the currency would convert it at the earliest possible moment into something tangible and real. Houses and lots, farms, property of all kinds, anything real and tangible, and at almost any price, would be received in exchange for these deceptive and valueless fiats. Through the various classes of society would this currency pass, getting nearer and nearer the needy man every day until reaching the



laboring man, who has nothing but his labor to sell, and is obliged to sell that for any price, and payable in any money he could get or starve, this worthless money would finally be lodged with him. Be assured the capitalist would have none of it. Be assured that the 'bloated bondholder' would have none of it. But capitalist and bondholder would have the real and tangible, the houses, farms, factories, etc., and the poor farmer and the laboring man would have all the fiat money they wanted.

"It is sufficiently obvious to any man who will pause to think even one moment, that all business prosperity at all permanent in its character must depend, as a first condition, upon a fixed and stable currency. This currency, being the medium by which all exchanges are made and all values or prices are determined, must be stable and certain, else business becomes a mere game of chance, the success of which will depend not upon the skill of those engaged in it, but upon what the value of the currency in the future may happen to be. No sane business man would feel like entering upon any enterprise which required from him the expenditures of large sums of money in the future, if the actual value of that money might be very much greater when he was called upon for the payment of the money than it was at the time he contracted to pay it. No one would feel safe to contract for the sale or delivery of property in the future at any fixed number of dollars, if it were at all probable that the dollar in which he would be paid would be worth much less than the dollar in circulation at the time the contract was made.

"Should the laboring man who is now shouting lustily for fiat money enter into a contract for service for one year on the basis of one dollar worth 99½ cents, he would forget his politics and his absurd schemes of finance, and clamorously and noisily proclaim the wickedness of the bloated capitalist who at the end of the year would pay him in legal-tender fiats, worth fifty cents on the dollar. Business never has been for any great length of time successfully prosecuted on the basis of a shifting and uncertain currency, and one of the most important lessons that we have to learn is that, whether we are well or ill paid for our work, depends not upon the *number* of dollars which we receive, but upon their value.

"It might, perhaps, be deemed desirable by the new-light economists to furnish to the laboring man more yards of cloth for a dollar than he is now able to procure, and a convenient way to bring this about would be to shorten the yard stick—to reduce it from thirty-six inches to twenty-four. Under such an arrangement, the dollar would buy more yards of cloth than before, but I very much doubt whether the purchaser would have more cloth. Let him try the experiment. I assume that three yards of satinet will make for the able bodied and rotund fiatist a pair of trousers. I assume that the cloth will cost him three dollars. But under the new dispensation of twenty-four inches to the yard, he buys three yards for two dollars. His trousers are made, and the first chilling blast that he encounters whistles through gaping spaces in those fiat trousers



and teach him, as no speeches can teach him, that the actual amount of cloth required to cover and protect him against the cold is determined not by the number of inches in a yard, but is inexorably fixed by the length and size of his legs, the swelling proportions of his hips, and that no act of Congress can change that great physical fact.

"You might as well keep your bushel measure constantly fluctuating, first shrinking and then expanding, and look for a perfect state of confidence in the purchase and sale of those articles measured by the bushel as to look for confidence when money, the universal measurer, is constantly changing.

"I can hardly believe that there is any large portion of our people committed to this dishonest scheme. Those who favor it, be assured, are in the main those whose interest it is to see a general tearing down of all restraints, a general denial and destruction of all rights of property, who wish to see, and would have, could they bring it about, universal anarchy and chaos in place of order, civil and religious liberty, well ordered and decent homes, the quiet and well ordered provisions for the future, the fireside, the church and the school-house.

"These men are political tramps, communists and desperadoes—their argument is the torch, their policy is destruction and waste. They are the enemies of society, their creed is pillage. To the thousands who have been deceived and misled by the pretended friendship of these political highway-men, the order-loving people of the nation offer patient reasoning and words of advice and counsel, but to the trader in public peace and order, who would imperil for his own base purposes the best and most sacred interests of our civilization, there is and can be no conciliation. If he confronts the law and defies it, the law will surely crush him, and his political future is political outlawry.

"The celebrated divinity student, the profound theological scholar, and eminent moralist, and unselfish friend of the laboring man, Benjamin F. Butler, has adduced a scriptural argument in favor of fiat money. He reads to a fiat audience in Indianapolis, who probably then heard the narrative for the first time, the story of the creation as told in the first chapter of the book of Genesis. He draws from the fiat of Omnipotence, 'Let there be light,' and the result, 'there was light,' an argument in favor of a congressional fiat, 'Let this be money,' and concludes that the result will follow that 'it is money.'

"Fresh from the reading of this chapter, I cannot fail to note serious difficulties which this illustration encounters at the outset. There is, I respectfully submit, a difference between the power of the Almighty and the power of Congress. This, I think, will not be disputed. One is omnipotent, the other falls, in many respects, far short of omnipotence. The Lord can do and has done many things which Congress never has done, and never can succeed in doing. It is deemed unnecessary to recapitulate the particulars wherein the power of Congress falls short of omnipotence. Congress would not attempt to hold the planets in their places, nor direct the rotation of the seasons, nor make the grass grow, nor cause the tides to

ebb and flow, by joint resolution or otherwise. Hence it is, that even had the Almighty in looking upon the dense darkness in which the earth was enveloped, by a simple declaration, 'Let there be light,' evolved light from this darkness, it by no means follows that Congress could, under the same circumstances, by the same fiat, have produced the same miraculous result; and it falls very far short of proving that Congress, by simply looking at a pile of paper and a quantity of ink, and issuing its fiat, 'This is money,' can make the paper and ink money. The difficulty with such an experiment is, that as a matter of fact, the material operated upon remains and continues to be paper and ink after the windy fiat has been issued. Congress effects no change in the material operated upon by its fiat. The Almighty, looking upon our planet covered by thick darkness, did not say 'This is light,' but he said 'Let there be light,' and he set at work those mysterious agencies which he alone controls, and 'there was light.' A great change had been effected, and that fiat preceded a fact, while the proposed Congressional fiat merely blunderingly asserts a falsehood.

"Back to the inquiry must we come at last—*Shall We Resume?* To those who are earnestly solicitous for the preservation and vindication of the national honor and integrity there can be but one answer.

"Great as our distresses have been, we have not been exceptional sufferers. All over the world has trade been dull, and all industries depressed. England, Germany, France, the South American States, even far off China and Japan, have felt, and are still feeling, the pressure of hard times. Surely this widespread depression cannot be attributed to the scarcity of greenbacks nor to the National Banking system. Some other influences and agencies have been at work, much more general than any local operations of our national currency, to produce these results. Everywhere has there been over-production of all kinds, and everywhere are the results now being seen.

"Despite our hard lot to-day, look back to 1861-2 and see how great our progress has been since that time. Our currency was then in such frightful condition that the rate of exchange between Chicago and New York was ten cents on the dollar. Laboring men were paid off in this worthless currency. Your labor to-day is more remunerative than it then was. Every product of your farms finds an easier, better market, and commands a higher price than it then did. You live in better homes, you are better fed and better clothed than you then were. Your schools are better and there are more of them, and to secure such a future as every honest man, who relies for his success upon his own exertions, desires, you need but a stable, steady currency at all times, and at any time convertible into coin at the option of the holder, so that your calculations for the future may be founded upon a substantial basis, and not be made the playthings of selfish political demagogues. My good friends, who are certain that your condition is grievously bad, and who are sure that your own country is the worst governed upon the face of the earth, and that no other peoples suffer as you think you do, when you go home to-night, take down the map of the world and select some

spot upon it for which you would wish to exchange your homes of to-day. You will find no such place. You have, I am sure, that honorable pride which all good men have in the good name of the land you live in. Think how wonderful have been its achievements within less than twenty years. No slave now breathes upon our soil. Equal rights are guaranteed to every citizen. Our immense indebtedness has up to this time been met with a heroism which challenges the admiration of the world. By hundreds of millions has it been paid, by hundreds of millions of dollars have the burdens of taxation been lifted from the shoulders of the people. Steadily has the credit of the nation advanced and strengthened, and as its credit has advanced, has the interest upon its debt been reduced, and its bonds are sought for in every money market in the world.

"Observing our wonderful achievements in this direction, that great Englishman, Mr. Gladstone, says, in speaking of our achievements since the close of the war: 'More remarkable still was the financial sequel to this great conflict. The internal taxation for federal purposes, which before its commencement had been unknown, was raised in obedience to an exigency of life, so as to exceed every present and every past example. It pursued and adorned all the transactions of life. The interest of the American debt grew to be the highest in the world, and the capital touched £560,000,000. Here was provided for the faith and patience of the people a touchstone of extreme severity. In England, at the close of the great French war, the propertied classes, who were supreme in parliament, at once rebelled against the tory government, and refused to prolong the income tax even for a single year. We talked big, both then and now, about the payment of our national debt, but sixty-three years have now elapsed, all of them except two called years of peace, and we have reduced the huge total by about one-ninth; that is to say, by little over £100,000,000, or scarcely more than £1,500,000 per year. This is the conduct of a state elaborately digested into orders and degrees famed for wisdom and forethought, and consolidated by a long experience. But America continued long to bear on her unaccustomed and still smarting shoulders the burden of the war taxation. In twelve years she has reduced her debt £158,000,000, or at the rate of £13,000,000 for every year. In each twelve months she has done what we did in eight years; her self-command, self-denial and wise forethought for the future have been, to say the least, eight-fold ours. These are facts which redound greatly to her honor, and the historian will record with surprise that an enfranchised nation tolerated burdens which in this country a selected class, possessed of the representation, did not dare to face, and that the most unmitigated democracy known to the annals of the world resolutely reduced, at its own cost, prospective liabilities of the state which the aristocratic and plutocratic and monarchical government of the United Kingdom has been contented ignobly to hand over to posterity.'

"Are you not, as citizens, proud to hear such words as these, coming from such an exalted source, spoken of your country? Are you not prouder still to know that they are true, and prouder still in the con-

sciousness that your patience, your self-denial, your wise forethought, have made them true? You would not, by an act of dishonor, dim the brightness of this shining record. Greater than all our material achievements are such triumphs as these, for they prove that the men of the country are 'greater than the mere things that they produce.' How wild the efforts to repeal the resumption law are, must be apparent at a glance. All efforts in that direction will prove unavailing; for by the first day of January, 1879, specie payments will be resumed; the fact will be accomplished and the fact cannot well be repealed. Time runs too fast. No bill repealing the resumption law can possibly ripen into law before January 1, 1879. Should such a bill pass both Houses of Congress, which it cannot do, it would be sure to encounter the Presidential veto, and there it would die.

"The most that can be accomplished is, by these wild threats of agrarian legislation to so seriously disturb all confidence in the future as to paralyze all business undertakings. To-day we are within half a cent of gold. That narrow isthmus once passed, and there comes into circulation these millions of dollars in coin, which a depreciated currency has for so many years forced and driven out of circulation. Our journey through this wilderness has been long and wearisome, and full of suffering. Many have despaired on the way—have longed for the flesh-pots of the old times—have worshiped the old images of the days of slavery. But the great body of the nation have not despaired. They stand now on Pisgah's heights and see the glorious landscape of the promised land spread out before them. Its verdurous and smiling fields beckon them on, and although the heights on which they stand may be rocky and barren, they know that the fields of plenty are but a few days from them. Who would return? Who propose to retrace the deserts across which they have so toilsomely traveled, to find at the end of their returning journey, should they ever live to reach it, the lice and frogs of Egypt. No pillars of cloud by day, and of fire by night, will guide them on their backward course. No manna is furnished the starving multitudes upon a return trip. No, my friends. The journey must be finished, and girding ourselves for one more effort, losing nothing of the heroic patience and fortitude which for these long years you have exhibited, we shall reach the promised land at last.

"In this emergency the duty of the Republican party is plain, its course is clear. As dearly as we love the banner which has floated over it, as sacred as are the associations clustered about it, we would tear that banner into shreds, rather than upon its stainless folds there should be one spot of dishonor.

"Whatever others may do, or however high the tide may rise, when the honor and good faith of the nation are imperiled as they are to-day, we must stand firm. We lower our standard never an inch. We conciliate no enemies of the national faith. We make no bargains or compromises with those who would repudiate our national obligations.

"Whatever of defeats we may suffer by a resolute adherence to the right,

all such disasters will be temporary, but our triumph when it does come will be enduring.

"We shall not fail. The sober second thought of the people will not fail us. The instructed and enlightened judgment of the country will be with us; and however dark and gloomy the skies may now look, they will as surely brighten, as the sun succeeds the night."

For historical research, keen penetration into the underlying facts of political economy, and logical arrangement of the principle involved, this production of Mr. Storrs has justly been assigned a very high rank.

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## CHAPTER XXXI.

### VARIOUS PUBLIC UTTERANCES.

LETTER TO SENATOR M'PHERSON ON THE SILVER BILL—AMERICAN COMMERCE, 1878—THE GROWTH OF CHICAGO—THE PURITY OF THE BENCH AND BAR—THE BLODGETT INVESTIGATION—LAWYERS AS LEGISLATORS—GRANT FOR A THIRD TERM—MR. STORRS' OPINION OF PRESIDENT HAYES—A BRIC-A-BRAC CABINET.

WE have seen that Mr. Storrs was strenuously opposed to the inflation of the currency, and he was equally opposed to the proposition then before Congress for an unlimited coinage of silver dollars. On this subject he wrote to Senator M'Pherson of New Jersey, between whom and himself there had existed for some years a close personal friendship.

"February 21, 1878.

"MY DEAR SENATOR,

"I have read with a great deal of pleasure the synopsis of your speech in the Senate on the silver bill, and only regretted that I could not have the speech complete.

"The West is very far from being unanimously in favor of that bill, and although it would probably be fair to say that a very decided majority favors it, yet the minority has hardly been heard from, and is much more numerous and powerful than one might suspect.

"However, I suppose we are bound to have it as a law, and then we shall all be compelled to learn, once more, the bitter but very useful lesson, that debts cannot be paid and wealth cannot be created by an Act of Congress. . .

"Yours very truly,

"EMERY A. STORRS."

In November 1878, Mr. Storrs was chosen as the representative speaker of the city of Chicago to welcome a great national and international commercial convention, which held its sessions in Farwell hall, and which was attended by the most prominent

business men of the United States and Canada. In delivering the address of welcome on behalf of the citizens of Chicago, Mr. Storrs said:

"This convention possesses a profound significance, from the character of the delegates who are here assembled, and from the commanding importance of the subject which you are convened to discuss and consider, — 'The promotion of American commerce, and to suggest the best means of extending our trade with foreign countries in North and South America.'

"It would be bold and presumptuous in me, speaking to men whose names have for years been closely identified with great commercial enterprises, to attempt to forecast the line which your discussions will take, or to suggest the methods by which our trade may be extended. I may, however, be justified in saying that both the time when and the place where this convention assembles are eminently favorable to the intelligent discussion of these great topics.

"We stand, as a people, I firmly believe, upon the threshold of returning prosperity. We have practically emerged from the embarrassments and troubles which beset all business enterprises conducted by a depreciated fluctuating currency. The burdens of our annual taxation have been lessened by millions of dollars. We have paid in full the severe penalties of fictitious prices, unreal values, and an unnaturally stimulated production. The severe training to which we have been subjected has reduced us in flesh, but strengthened us in muscle and endurance; and looking to the future, seeing promise in it, we are prepared to lift to its feet the nearly prostrate form of American commerce, and carry it to that high position that its sails shall whiten every sea, and its flag shall float, and the product of our industry be found, in every port.

"The time has long since passed when a nation whose pursuits are exclusively agricultural can long sustain itself. To-day a market is as necessary to the farmer as his farm, and without the one the other is worthless. Every new market is a positive addition to his wealth, and every shortening of lines to reach those markets benefits directly every conceivable form of industry. We have learned that it quite impossible for us to cut ourselves off from the rest of the world, or to regard them as enemies. It is much more profitable and infinitely more pleasant to trade with them than to fight with them; and by what methods new customers are to be secured, and new markets gained, will form one of the leading topics for your deliberations. Your purpose is not, as I understand it, to overcome natural disadvantages, but to avail yourselves of those great natural and geographical advantages which we clearly possess. You prefer to ship your goods to Rio Janeiro by some more direct route than *via* Liverpool, and when your butter or cheese reaches a South American port you prefer that it should carry the brand of the eagle rather than the trade mark of the lion and the unicorn. It is ordained

that we are to possess this continent, and we will not fully and completely do this unless from ocean to ocean we bind it together with bands of steel and iron. From the Golden Gate, on the Pacific slope, we look across that peaceful sea to the far-off China, opening her gates to our commerce. We cannot stretch out bands of iron across these waters, but we may surely devise some means by which our ships, sailing under our own flag, shall traverse them.

"Thirty years ago a great convention assembled in this city to discuss the question of river and harbor improvements. Chicago was then scarcely more than a village, but the influence of that convention was felt throughout the whole country. Since that time the village has become a great metropolis, the very heart and centre of a colossal commerce. Commerce knows no sects, and is limited to no narrow neighborhoods. It goes wherever a human want is to be supplied or a taste gratified, and civilizes as it goes. A commercial people are of necessity a liberal people, and no agency converts enemies into friends so surely as the potent agencies of commercial intercourse. It is the great reconciler and conciliator, for where commercial interests are identical, there can be no differences which may not be reconciled. You are met in a great city of the mighty Northwest. Its crowded streets, its palatial business houses, its busy marts, its ceaseless and unwearied activity and enterprise, its vast and far-reaching railroad interests, the chain of inland seas on whose bosom floats a vast commerce, and at the head of which this city sits like a queen, all presage for it a future which shall be the marvel of the world. To this city, its hospitalities, its homes, and to all the lessons which its rapid growth teaches, you are as the representatives of not only a national but a world-wide commerce, most heartily welcomed."

About this time the New York *Graphic* was publishing a series of articles on the leading cities of the West, illustrated with pictures of the principal public buildings; and in March 1879 Mr. Storrs was requested to contribute an article on the growth of the Chicago live-stock trade, to accompany a sketch of the Union stock yards. He did so in a very readable and interesting article, of which the following are the introductory and concluding portions:

"Chicago is not an art centre; it has no great picture galleries, no great public libraries. Perhaps it would be safe to say it has no great pictures. It has no great public buildings; it has not even a restaurant, it has no opera house, it has hardly a first-class public hall; but it has miles and miles of magnificent business buildings; it has an inland sea lying to the east of it, whose shining waters are before me now; it has running up into the heart of the city a muddy, wretched stream which its people call a river, but on whose stagnant waters floats a vast commerce; it is the very kingdom of the practical; it is an elysium for results; it is the empire of corn, and wheat, and steers, and hogs, and lumber,—not very beautiful nor

very poetic creations, but exceedingly useful to the natural man. I have been here long enough to rather take on some of the characteristics of Chicago. I like a big thing—a power—no matter how crude or raw it may be in its exhibition. Indeed, so saturated am I with the Chicago spirit that I would be glad to shake hands with the force of gravity if it could, take material form. I would go farther to see the force of gravity than I would to see Hayes' or Evarts, or any other artist.

"These qualities of Chicago which I have mentioned are after all more worthy of admiration than the more pretentious clatter of smaller cities about what they call their culture. I am not saying that there are not literary men and women in Chicago,—indeed, the city abounds with them,—but their literature and their art and their music are secondary. They are kept well in hand, and are attended to after business hours. I venture to say that such a thing as a man of leisure cannot be found in Chicago. It would be considered discreditable to be a man of leisure. There are no bloated bondholders in Chicago, although there are very rich men; but the hardest working men I ever met anywhere are the rich men of the city of Chicago. They know no leisure; they seek no leisure. . . .

"No one can long remain in this Western metropolis without actually feeling its growth. The time is not far distant when its steers and hogs, its corn and wheat and lumber shall return to it in rather finer and more æsthetic forms; and from the stockyards and pork-packing establishments there are sure to come some day great libraries and splendid galleries, and music and the drama will find from these exceedingly practical and unromantic sources their best temples furnished, and shall draw from them their largest and most liberal encouragement. The men of Chicago are to-day engaged in rearing a colossal commerce and in transferring to the valley of the Mississippi the seat of empire. Its palatial homes can now be counted by hundreds, and from the ashes of the great fire has risen, so far as its business buildings and private residences are concerned, one of the most beautiful cities on the continent."

For the first time in the history of Illinois, one of its Judges was the subject of a Congressional investigation in the spring of 1879. Some of the younger members of the bar practising before him in the United States Court for the Northern District of Illinois complained of what they regarded as partiality on the part of Judge Blodgett towards older and more influential lawyers, and his aggressive bearing toward themselves. A feeling of hostility to the Judge had been growing for some time in the breasts of these gentlemen, and in the fall of 1878 one of them, in excepting to the Judge's charge, used language in the presence of the jury which Judge Blodgett regarded as disrespectful, and as amounting to contempt of court. He fined the offending attorney \$100, and committed him to custody until it was paid.

Later in the day the senior partner of the firm apologized and obtained the attorney's discharge. This action of Judge Blodgett fanned the smouldering flame, which broke out in communications to the press reflecting upon the Judge. He thereupon demanded an investigation of his judicial conduct, and a committee of the House of Representatives, consisting of Messrs. Proctor Knott Culberson, and Lapham, was sent to Chicago to hear evidence, the inquiry resulting in a vindication of the Judge, his accusers failing to show anything to impeach his integrity, and the witnesses on Judge Blodgett's behalf preponderating overwhelmingly, both in numbers and standing at the Chicago bar.

Mr. Storrs was in New York while the investigation was pending, and a representative of the *Graphic* interviewed him on the subject. Mr. Storrs was at all times accessible to the gentlemen of the press, and except when he saw occasion for reticence, always communicated freely any information in his power to give. The published reports of interviews with Storrs were invariably read with attention, for he was regarded as an oracle on political affairs, and on all questions stated his views clearly and incisively, and often in a witty and epigrammatic way. His opinion of the Blodgett case was thus stated:

"I am expressing the opinion of at least nineteen-twentieths of the members of the Western bar when I say that no case will be made against Judge Blodgett which will impeach his integrity and uprightness as a judge, or come within gunshot of being sustained. He is a man of great ability, of remarkable clearness and quickness of perception, of very positive opinions, of a somewhat aggressive character, but I think of perfect rectitude.

"I have no idea that the result of an investigation of Judge Blodgett will be other than highly beneficial to himself and satisfactory to his friends.

"The air has been filled with these vague charges for some time. The course which Judge Blodgett has finally determined to pursue is by all odds the wisest. I think that left to himself he would have taken that course a month ago. Indeed, I may say that after these charges had once been proclaimed through the press, an investigation was inevitable—the sooner it came the better. The purity of a judge cannot be vicariously defended. The party assailed must do the defending, and that instantly and vigorously; and we were all delighted when Judge Blodgett demanded the investigation, and his best friends are insisting that it be most searching and exhausting.

"Judge Blodgett does not possess all the virtues. You must remember that he is burdened with an immense and trying business. He performs more duties than any other two District Judges in the United States. He is a man of somewhat feeble constitution. He travels between eighty and



ninety miles every day in going to and returning from court. He works every night from eleven to twelve o'clock. The profession of law is a very noble one, but it is the last in the world that a naturally stupid or careless man should follow, and I hope no census will be taken of that class of lawyers. Judge Blodgett is exceedingly quick and clear, and with his strong, sound judgment he has no patience with a blundering practitioner. He has suppressed large numbers of such men and takes but little time to do it. The natural man, although he be a lawyer, does not like to be suppressed. When he gets out of doors he makes a noise, and if he has been pretty badly beaten takes his case before a somewhat easier judge on the sidewalk. Many cases have been appealed from Judge Blodgett to the sidewalk, and the gentlemen appealing them had better luck there than in the courts. Judge Blodgett has some infirmities of temper, of which he is as conscious as any one. He is a very kind-hearted man. But in the morning after being badgered in Chambers, bothered with a bad digestion, meeting the crowd of lawyers as he comes upon the bench with a docket before him which seems interminable, it is not very surprising that he should be unstrung at times. But the majority of those who have been brought into relations with Judge Blodgett have sense enough to know that while such incivility may have annoyed them at the time, behind it all was the able and upright judge and the honorable man. The feeling entertained by them is one of sympathy for the physical infirmities of the man coupled with admiration of his mind. I wish to note right here another test which, among lawyers, is regarded as very decisive as to the fairness of a judge—the preparation of bills of exceptions for appeals to the Supreme Court. I have had some experience in that matter with Judge Blodgett. There never was a fairer man. He will give the complaining lawyer as fair a bill of exceptions as any one can ask for. As far as my experience goes he is entirely willing to furnish every facility for a very complete review of his opinions and abundant chance to reverse them if they are wrong. He decides against you positively. When you go up he treats you fairly and accepts his defeat gracefully."

The conversation broadened out into a discussion of lawyers in general. "From an experience with the Chicago bar of nearly twenty years," he said, "it would be difficult, in my judgment, to find a superior lot of men to deal with, and I am pretty well acquainted with lawyers throughout the United States. It is an industrious bar, a painstaking bar, as a whole. Of course some fellows jumped in when the fences were down, but few men who are members of the Chicago bar can be called disreputable."

As to the Chicago practice in divorce cases, he said:—"The divorce business in the city of Chicago is conducted in as legitimate a way and as carefully as in any State in the Union. The

witnesses must be heard in open court and testimony cannot be taken before a Master in Chancery, or a referee. The Judges themselves are exceedingly jealous in hearing the evidence, and in many instances after the counsel had dropped the witnesses have examined them again most searchingly themselves. Of course it is very difficult to guard against perjury; but a fraudulent divorce cannot be procured in Illinois without deliberate, wilful, corrupt perjury committed in open court. We are therefore very little troubled with divorce 'shysters.'

The interviewer asked Mr. Storrs' opinion as to the undue preponderance of lawyers in the State Legislatures and in Congress.

"I suppose that these lawyers were elected by majorities, and I think the majority should rule."

"That is an ingenious but scarcely a candid answer."

"I will be entirely candid with you. I believe that, taken all in all, the lawyer makes a better legislator than the merchant, the banker or the farmer. I think he has fewer prejudices and more knowledge. I am no believer in our reaching the millennium through the predominance of the business man in politics. You hear a good deal nowadays of putting the Treasury Department and other Governmental offices under the charge of business men who have accumulated money. You cannot put your finger on the name of any great national financier in this country who has been a man of wealth. Alexander Hamilton stands at the head of all that class of men, and while Secretary of the Treasury he sent on one day letters to various parties asking for the loan of \$20. Gallatin was not a rich man. Hamilton was a lawyer; Salmon P. Chase was a lawyer; he never sold any dry goods, nor did he engage in any mercantile business. It is almost proverbial that our greatest national financiers have been the poorest men. A national financier differs from the private merchant, whose essential quality is profitable management of his money and who must accumulate to meet the requirements of his business. A government has no business to accumulate any larger sums of money than it needs to pay its expenses. Accumulation by the government means just that amount of additional taxation upon the people. I think the trouble with the lawyers is that in many instances they do not know enough law to be good lawyers and know a little too much law to be good business men. I hope you will consider this as candid."

"It is alleged in support of this opposition to a predominance of lawyers in legislative bodies that the natural tendency of the legal mind is not towards clearness and accuracy of legislation, and that, whether consciously or unconsciously, they are inclined to frame laws which admit of two interpretations, so that litigation is provoked. Is this true?"

"No, it is not true; no lawyer worthy of the name would ever frame a

statute with a view to provoke future litigation any more than he would try to involve his client in further litigation. I can hardly conceive that possible. There may be some difficulty such as you suggest. We find, for instance, a good deal of difficulty in redundant forms of pleading, but those that blunder through ignorance of correct modes of pleading do not make money by it. This is not the fault of the law, which cannot be held responsible for the dunces that fail to follow it. Clear heads in any profession in this world are the exception, and such a facility of expression as will exclude every other meaning excepting the one intended is a faculty possessed by few mortals. I do not expect to live long enough to see the day when there will be such general accuracy of statement in editorials, speeches, legal opinions or statutes as to avoid all chance of misunderstanding or misconstruction; yet I think the tendency of legal training is towards accuracy of statement, and I believe that the good lawyer can put an idea upon paper more clearly and precisely than a good mechanic, good merchant, or good farmer. But a clear-headed farmer is by all means preferable to a fuddled-headed lawyer."

"Was the convention which framed the present new Constitution of Illinois largely composed of lawyers?"

"Very largely. I am not able to give the exact proportion, save that there was a preponderating legal element."

"Has the practical working of that Constitution been successful?"

"It has; indeed, I may say almost entirely so. There is perhaps a little too much legislation in that Constitution. That is the fault of nearly all our constitutions; they deal rather too minutely with details."

"Do you not think that as a rule justice is more speedy and that the general welfare is better protected in a country like England, where there is no written constitution, than here where we are hampered by cast-iron organic laws?"

"You submit to me one of the most difficult of all questions. I think I am rather inclined to uphold the superiority of justice in this country over that in England. But I very much doubt what the final outcome of written constitutions will be. We are growing out of them and adding to them constantly, while the English Constitution is made by the people every day they live. Our Constitution, however, although written, is made and altered by the people. The first thing we did with it was to violate it by the purchase of Louisiana and Florida. Hence the absurdity of placing a strict construction on it."

"Is there not an undue multiplicity of tribunals?"

"I think so, especially in New York. But it is different in Illinois; no Circuit Judge there interferes with another. I think that the writ of injunction is much more carefully respected in Illinois than in New York. Such a thing as one Judge granting a stay of proceedings in matters pending before another Judge would not be tolerated there."

Finally the conversation drifted round to politics, and Mr. Storrs pronounced emphatically for General Grant for a third

term, and expressed with entire openness and frankness his opinion of President Hayes:

"Mr Storrs, in the course of our conversation you have incidentally mentioned General Grant. What is the feeling in Illinois in regard to the third term?"

"If a convention of the Republicans were to be held to-morrow for the purpose of selecting a candidate for the Presidency in 1880, I think General Grant would receive forty-nine out of every fifty votes. This feeling extends throughout Illinois and the entire West."

"To what do you attribute this feeling?"

"To Grant's character and the confidence that under his administration every citizen will be protected in his rights."

"The accusations which have so freely been made against him have, I suppose, worn themselves out?"

"Yes."

"Is there not a feeling of disappointment in the Republican party with respect to President Hayes?"

"Yes; decidedly."

"What is the reason for it?"

"The impression is that there is a general lack of firmness—a general tenderfootedness and goody-goodiness without anything specific about it one way or the other, a disposition to swap old friends for old enemies: an idea that he is not wholly sincere; that he will blunder and founder—in other words, that you can't always tell."

"And as respects the Cabinet, Mr. Storrs?"

"The Cabinet is regarded among Republicans as a collection something like those which are gathered together by the societies for the cultivation of decorative art, some things passably tolerable, some things curious, but among the bric-a-brac a good deal of rubbish. I think Sherman is regarded as a strong man by the Republicans, McCrary is certainly a good Republican. Fifty years ago Secretary Thompson was a well-known man. As to Mr. Schurz I refer you to General Sheridan."

"What is the opinion as to the legality of Mr. Hayes' election?"

"I think the Republicans believe that he was fairly elected President. They believe that with a fair election in those States which were decisive there never would have been a question or the necessity for a count. The Republicans of the West believe in the Constitutional amendments and in civil rights; and I think they believe there were at least five States in which majorities were disfranchised. They are in favor of making a hot fight until this state of things shall cease; and for that purpose a stalwart, masculine man is needed, marching to music that shall not come from flutes and to old tunes which do not include 'The Shining Shore.' We shall certainly succeed with such a man. I believe that with a President in dead earnest the Constitutional amendments and the laws in furtherance of them will be carried out to the letter in both the North and the South."

"Is it not possible that the former Republican majorities in the South

have been gained over to the side of the Democrats by motives of self interest?"

"I don't think that is possible. Think of South Carolina being Democratic! All the evidence is the other way. I don't think that Tilden's Literary Bureau has sufficient ability to convert the colored people. The negro is a Republican to-day. He can never forget that he owes his emancipation to the Republican party."

"You said that the platform of the Republican party in 1880 is to be composed of two principles—honest money and an honest ballot—do you mean by honest money what we have now?"

"Yes; I mean a currency redeemable in coin at the option of the holder, in other words such a currency as the majorities in New York and Illinois voted for at the last election."

"Within the last few days several Western gentlemen of prominence and high intelligence, in conversation with me, have insisted that the fiat money cause, so far from showing any weakness was stronger than ever, was making demonstrations of its strength and was certain of finally winning its way to supremacy."

"I don't think there is a particle of foundation for these assertions. I think I can speak for Illinois with confidence, and for Michigan with some knowledge of its people, and also of Iowa and Wisconsin. You never will live to see the day when fiat money will be as strong as it showed itself when so overwhelmingly defeated last fall. I think there is a strange mistake about these financial heresies, and I believe that we are now on the road, with the aid of a fixed and stable currency, to unexampled prosperity. *Fiat* money is a craze. I think it is dead at least for this generation."

"Resumption being assured and successful, as you believe it will be, will not Secretary Sherman receive the credit for it, and will not that make him a very formidable candidate for the Republican nomination even as against Grant?"

"Secretary Sherman will undoubtedly receive very great credit, but that will not make him President and it won't even make him a candidate in the convention. I believe the renomination of Grant in 1880 is fore-ordained. Grant combines so many qualities that the people admire. His achievements are so positive and real, and he has carried himself while abroad with such perfect poise, has shown a judgment under very trying circumstances so much wiser than even his best friends expected, that he will come back here with a power which will make him President for a third term in spite of all attempted opposition."

"Having re-elected him in 1880 what will stand in the way of the people reinstating him indefinitely?"

"I know of no law which would prevent the people of the United States from re-electing a President as many times as they choose. But there is plenty of time to talk about that when he shall have served his third term."



## CHAPTER XXXII.

### CHICAGO CITY MISGOVERNMENT.

THE CHICAGO MUNICIPAL ELECTION OF 1879—MR. STORRS AT A MASS-MEETING OF REPUBLICANS IN FARWELL HALL OPPOSES HANDING OVER THE CITY GOVERNMENT TO THE DEMOCRATS—COMPARISON OF REPUBLICAN AND DEMOCRATIC MUNICIPAL GOVERNMENT—THE ELECTION LAWS, WHICH THE BRIGADIERS IN CONGRESS SOUGHT TO REPEAL—CARTER HARRISON ELECTED.

THE misgovernment of the municipal affairs of the city of Chicago, which it was fondly hoped would be cured by the reorganization of the city government under the general law in 1875, was not corrected by that measure. The Constitution of the State of Illinois, adopted in 1870, provided that all cities in the State might organize under a general charter or law, and that if any city so decided, an election should take place on the 18th of April. Mr. Colvin had been elected Mayor of Chicago on the Democratic ticket in 1873, for two years, his term expiring in December 1875. The new charter was adopted at the election held in April 1875, of which mention has already been made. Under it the Mayor was to hold office two years, and a new set of aldermen were to be chosen at the next election. A conspiracy was formed by Mayor Colvin and the existing Council to extend the power of the sitting aldermen one year and that of Colvin for two years; and the simple device by which this was done was the calling of the election at which the adoption of the new charter was to be voted upon for the 23d of April, or five days after the election should have been held if the charter had been in force. To ensure this end the existing registration law was repealed by a bill smuggled through the Illinois legislature, and then, all safeguards being removed, the

election adopting the new charter was carried by ballot-box stuffing and fraud.

On the 18th of April, 1876, there was an election for aldermen, and the old leeches were shaken off; but, in order to give Colvin still another year of the Mayoralty, the call for the election designedly omitted to state that a vote would be taken for Mayor as well; and Mr. Colvin proposed to "hold over" in spite of the people. The citizens of Chicago, indignant at this outrageous piece of usurpation, cast 30,000 votes out of a total vote of 33,000 for Hon. Thomas Moyne as Mayor. For some days the extraordinary spectacle was witnessed in Chicago of a city government with two heads, each having officers of his own appointing, and each seeking to thwart and circumvent the other. The courts soon put an end to the muddle by deciding that the new Council must call a new election, giving the notice which the law required, and in July 1876 Hon. Monroe Heath was elected, and held the office down to April 1879.

Mr. Heath was a Republican, and under his administration, the yearly appropriation for municipal purposes, which under Colvin in 1875 was over five millions of dollars, in 1878 had been reduced to three millions and a half. The credit of the city, which had been at a disgracefully low ebb through Democratic speculation and extravagance, was restored in every commercial centre in the world. The Democratic supervisor of the southern division of the city had been counted in by ballot-box frauds, but the opposition of the citizens was so great that he was obliged to retire, and Hon. Robert T. Lincoln, afterwards Secretary of War in President Garfield's cabinet, was elected in his place.

Under a Republican municipal government, the city of Chicago had been prospering, and but for the supineness of the Republican citizens might have still continued to prosper. But in 1879 the Democrats made another determined effort to capture the city administration, and put forward as their candidate Carter H. Harrison, who had for two years previously been representing a district of the city in Congress. The Republicans nominated Mr. A. H. Wright, a member of the Chicago Board of Trade. A large mass-meeting was held in Farwell hall, at which Hr. Storrs delivered a stirring speech, reminding his aud-

ience of the danger of handing over to the Democrats the municipal power of Chicago, especially in view of the attempts being made by a Democratic Congress to repeal the election laws, which had been passed as a necessary safeguard of Republicans at the South, and of decent citizens everywhere, to prevent their being driven away from the polls. He spoke substantially as follows:

"The old call is made upon the old Puritan element of this great city of Illinois, which has been reared on the shores of this lake,—probably the grandest achievement in the way of a commercial city that this world has ever witnessed. This City of Chicago is, above all things, and beyond all things, a free city, and it is the outgrowth of the spirit of free men. To-day the free men of the City of Chicago are coolly asked to surrender its interests; to transfer them from the hands of the Republican party, in whose custody for the last three years they have been, into the hands of the Democracy. I decline to accept the invitation and I am constrained to think that this vast audience that face me to-night are quite prepared to agree with me in that declaration. The magnificent results in the administration of the last three years are not the work of any Reform Common Council, gentlemen. They are the work of a Republican Mayor and a Republican Common Council. [Applause.] I know of but one reform party in the country. It is the Republican party. [Applause.] I know of but one party anywhere on the face of the habitable globe that is the incarnation of wickedness and all that is infernal in politics, and it is the Democratic party. [Laughter and applause.] There are other bad parties, but the Democratic party is badness itself. There is the same difference between the Democratic party and a bad party that there is between having the small-pox and being the small-pox. Many a very decent fellow has had the small-pox and has been pitied for it. [Laughter.] The small-pox is indescribably and unanimsously bad. [Renewed laughter.] This party, which has had a university for training in political heresies and demagogism for the last thirty years; this party which is 'an organized appetite;' this party which is an embodied hunger, comes to the front and looks to a well-supplied table, and, with dry juices from all the corners of its mouth, says it wants no food, but it would like to appropriate the table. [Great laughter.] I don't wish to speak, and I think I have not spoken, disrespectfully of the Democratic party. I am resolved that I shall say nothing uncivil of its candidate, Mr. Harrison,—probably one of the most distinguished orators on the continent. In his rhetoric there is nothing meretricious. It is hard, solid, relentless logic,—is n't it? [Derisive laughter.] He is a politician without ambition, and a citizen without guile, is Carter Harrison. [More laughter.]

"They have announced an exceedingly curious programme. They have declared that in this canvass they are not going to discuss politics of

any kind; they shall have nothing to say about national rights and nothing to say about municipal affairs. If I were a member of the Democratic party, I should feel the same way. [Laughter.] If I belonged to a political organization whose past was as foul and leprous as its, I would say 'For God's sake, fellow-citizens, keep your eyes to the front; let us say nothing about its past career, but bury it as soon as possible out of existence.' [Laughter.] Carter Harrison proposes to conduct the campaign upon merely personal issues. I desire to announce here and now that I am as much in favor of A. M. Wright because of the men opposed to him as for any other consideration; and I am as much opposed to Carter Harrison because of the men that are for him as for anything else. [Laughter.]

"From the course which this canvass has taken thus far, it has become very evident that a defence of the Republican administration of the affairs of this city since Monroe Heath assumed the office of Mayor is entirely unnecessary; for, as eagerly as the Democratic party covet the possession of political power in this city, as important as they deem it with reference to the great contest upon which we are to enter in 1880, as unscrupulous as they have been and would be in the use of means to secure the political power of this city, I have yet to learn that any attack has been made upon the Republican administration of our municipal affairs. This leaves our municipal history, so far as we are concerned as a body, unquestioned and unchallenged. So satisfactory has it been, and so gratifying have its results been, that the approval and indorsement which it meets is well-nigh unanimous. Nevertheless, as the people of the City of Chicago are now asked to change that administration from one party to another,—from the party whose administration has been so successful that no one challenges or questions it,—it is well for us to remember, before we answer that request, precisely what the Republican party has done for the City of Chicago within the last four years. It found our city grievously burdened with debt and with a shattered credit, with its paper under protest, with millions of its taxes uncollected, with its police force demoralized, and with crime running rampant. It has changed all this; it has reduced its appropriations to such an extent that for 1878 they were \$1,345,048.49 less than they were in 1875.

"During that time our bonded debt has been reduced \$400,000. The revenue warrants issued by the Republican administration in 1876 are paid in full; those issued in 1877 are all paid but a trifling sum. Our police force was never in better shape; our Fire Department is nearly perfect in organization and efficiency; the laws are efficiently administered; our credit stands second to that of no city in the nation; and under the wise administration of Mayor Heath we have reached a condition of solid prosperity which challenges the admiration and the gratitude of every good citizen. There is no reason to suppose that this policy, so fruitful of good and flattering results, will be changed if the Republican party is continued, even though A. M. Wright fill the place which has been so worthily occupied by Monroe Heath. It is but fair that we should expect the Republican party

in the future to pursue the same line of policy which it has adopted and pursued in the past; and there is no ordinarily sane or intelligent man who, confining his observations to our city boundaries, can look upon the transfer of this power from the Republican party to the Democratic party, with its recognized hunger and greed for plunder, without the greatest and most serious apprehensions. I trust that our people will pause very long before they decide to make such a change; for no man can state an intelligent reason affecting the local interests of this city why such a change should be made.

"Carter Harrison knows very well that he asks to be elected Mayor of Chicago for a purpose; and for a purpose reaching far beyond the mere gratification of his personal vanity in holding that high office. He asks to be elected Mayor of Chicago in order that his past political record may be approved by the people of the great city in which he lives; and you may reason and refine upon it as you will, his election as Mayor of Chicago is an indorsement and ratification of his political course. What, then, are the objections to Carter Harrison, so far as the indorsement of his political opinions, policy and conduct is concerned? They are so numerous that the time allotted to me to-night would hardly enable me to state them. He is, first and foremost, a Democrat; and at this time, in the midst of the perils which now surround us, that, to any patriotic citizen, Republican or otherwise, ought to be sufficient. But he is a Bourbon Democrat, who has drawn his political lessons from sectional fountains, and in whom the belief of State Rights and State Sovereignty is so thoroughly ingrained that nothing on earth can ever eradicate it from him. He opposed the war for the preservation of the Union, and remained with and was an active member of the party which opposed it. He denied the right of this Union to save itself by a forcible putting down of armed rebellion against its rightful power and authority; and he was a consistent, and vigorous member of the party which committed itself to that doctrine. He denied the right of coercion; he opposed the organization of armies for the salvation of the Union; he opposed the conscription law; he opposed the draft; he opposed during the war, and so did the party to which he belonged, every single measure which looked to its successful prosecution; he opposed, and so did the party of which he was a member, the creation of our national currency; he opposed the greenback; he opposed the National bank note; indeed down to the close of the war, Carter Harrison individually, and as one of the Democratic party, opposed every measure which the people of this country succeeded in triumphantly adopting. He was a member of that party, active, zealous; and himself believed, as the party declared in 1864, that the War was a failure; and had it been left to Carter Harrison he would have called our armies home, with their banners trailing in defeat. Carter Harrison had the right to all these opinions; he had a perfect right to the expression of those opinions; but the stern logic of this world in political affairs, and the necessities of this world in political affairs, have made men responsible for the correctness of the political opinions which they advocated and entertained; and in all other times, and in all other countries, a steady persis-



tence in political heresis of so serious a character as finally to lead to civil war, has consigned those who believed in them to political exile and outlawry. So universal has this rule been in its application, that until quite recently even the parties subjected to this rigorous measure of punishment have made no complaint.

"His course since the war has been just as steadily and persistently wrong. During all that time he has been an active and zealous member of that party which in 1868 declared the reconstruction measures revolutionary, unconstitutional, and void; and I am entirely justified in saying that in the opinion of Carter Harrison these measures included all the constitutional amendments,—that which gave freedom to the votes,—that which made him a citizen and secured him in the privileges of citizenship,—and that which gave him the right to vote, were revolutionary, unconstitutional, and void; and I have yet to learn that he has recanted those opinions.

"That is not all. In 1868 he and the party to which he belonged favored the practical repudiation of the National debt; and as they had previously sought the destruction of the National life, they then sought the destruction of the National honor and integrity. He and the party to which he belonged advocated the payment of the debt in greenbacks. His whole course has been one of reaction, and politically of obstinate and persistent opposition to every great measure of public policy which has made us a nation,—which has elevated us from a mere jangling combination of jarring States into one and indivisible Union. Carter Harrison, as a Democrat, has opposed every great measure in Congress which looked to putting into practical operation the constitutional amendments to which I have referred.

"We are, however, constantly reminded that the pending election is a merely local one. In one sense this is true; but in its larger and broader sense it is not true. What answer does the heart of this great city make to that suggestion? With how much patience would you listen to-night to an orator, however eloquent he might be, who would declaim to you exclusively upon the questions of finance and mere local legislation? Your hearts tell you that the issue is a vastly broader one than that; and that the result of the contest now so close upon us must be mightily significant to the position which we are to hold in the great national issues which we will meet in 1880. There are, my fellow-citizens, questions that arise away above taxes. The considerations to which I have referred, which involve the national honor and the keeping and execution of the plighted faith of the nation, swallow up entirely all these merely financial considerations. It is, indeed, important as to how much your property shall be assessed, and how frequently it shall be assessed; but vastly more important is it that the property itself should be secure, and that you should be protected in your enjoyment. More important is it that wherever the flag floats you should think as you pleased, speak what you thought, and vote with no one to molest or make you afraid. I am so much a believer in the existence of this country as a nation that I believe that all its parts are indissolubly welded together. Chicago cannot be separated from the United States of

America. It is a great, thriving, active portion of this great Union; the pulse that beats here beats to the remotest confines of the whole country. Chicago is affected by every measure of policy which has national concern. Its commercial interests run to the extremest boundaries of the Continent. It is the child of good Government. It thrives with peace and order. It will have peace and order if it fights for it. We must realize the situation. We meet to-day a united and solid South; we are bound to take the situation as we find it; we may extricate ourselves from the difficulties of the situation in one way, and in but one way. A divided North will not suffice to confront a solid South; a divided North means a universal South; a solid North means salvation; without a solid North we have a divided Union. Moreover, when I am assured that this contest is local, I am constrained to ask whether the gentlemen ever considered how important is the locality. This city is the heart of the Northwest. Again, and again, and again has the voice that it has uttered given courage and character to the whole Northwest. I would have this great metropolitan city lose nothing of this proud position. The man who dies of a disease of the heart dies of a local disease, but it is the poorest and most unsatisfactory consolation to his friends to be assured that the disease of which he perished was a local one. For some sins or other that we have committed, the Almighty may in His wrath visit upon us a Democratic party in this city; it is a local triumph, but it is a blow at the heart of an Empire.

"This Democratic party that we meet to-day is the same that we met and defeated in the field. Its methods are devious: its successes are achieved not like ours. This great loyal party of the nation flies to its victories like an eagle; the Democracy crawls to its victories like the worm. Just as sure as God reigns, the time for sentiment, the time for compromise, the time for conciliation, is past. [Applause.] We have gone even to the very verge of the last dishonor; we can degrade ourselves no more. There are better things than peace: I want to see this great party once more awake, as in the olden time, taking on its form of glory, with its sword and with its shield and spear, taking the poorest of its citizens by the hand, leading him through the serried ranks of the enemy, and saying, 'By the living God, you shall cast an unrestrained ballot!' [Loud applause.] I have no more occasion for political courtesies, nor have you. Let there go out from this great city such a word as our President shall hear and shall heed. Let it roll like thunder over these prairies, and tell him that he must not falter now. The spirit of the people is awake, and the old feeling is in the air. One by one the stalwarts go to the Senate and the House,—Chandler, Logan, Carpenter, Conkling,—all the old braves, with masculine virtues; loyal to the heart's core. Let us encourage them.

"And now, in conclusion, gentlemen, I desire to offer to this meeting a resolution:

"The citizens of Chicago, in mass-meeting assembled, appreciating the dangers that threaten the public peace and order,

"*Resolved*, That it is the will of the loyal people of the West that all revolutionary attempts of whatever character that may assume to interfere

with the purity of the ballot-box on a free vote by the overthrow of legislation calculated to secure that end must be met and must be defeated at any hazard and at all cost. [Applause.]

*“Resolved,* That the time for further parley or compromise has passed, and that we confidently trust and earnestly hope that wherever the occasion presents itself and the necessity arises, all revolutionary efforts of this character shall encounter the Presidential veto. [Great applause.]

*“Resolved,* That a copy of these resolutions be at once forwarded by the President of this meeting to the President of the United States.

*“And I move the adoption of these resolutions.”*

They were adopted amidst the loudest applause.

## CHAPTER XXXIII.

### NATIONAL POLITICS IN 1879.

A POLITICAL TOUR IN NEW YORK STATE—AT SYRACUSE—CONSERVATIVE AND RADICAL REPUBLICANISM—DEMOCRATIC HYPOCRISY—ATTEMPT TO REPEAL THE ELECTION LAWS—THE MURDER OF CHISHOLM AND DIXON—SOUTHERN IDEA OF "CONCILIATION"—HONEST GOVERNMENT, NATIONAL PROSPERITY, AND NO SECTIONALISM—SUDDEN DEATH OF HON. ZACHARIAH CHANDLER.

IN October 1879, Mr. Storrs was called upon to make another political pilgrimage through New York state, and was absent two weeks, during which time he made six speeches at important points on behalf of the Republican party. The canvass was conducted with great warmth on both sides, in view of the Presidential election to take place the following year. Mr. Storrs spoke at Elmira, Cortland, Ithaca, Auburn, Syracuse, and Norwich. He was also advertised to speak at other towns, but business engagements rendered it impossible to fill these appointments. The largest demonstration was at Syracuse, where a mass-meeting of the Republicans of Onondaga county was held. Mr. Storrs discussed three leading topics,—conservative and radical Republicanism, the Democratic platform, and the doctrine of State rights. The impression produced is graphically described by the *Syracuse Daily Journal*:

"Looking over the great audience that filled the hall, it was noticeable that all the elements of the Republican party, and all shades of opinion were represented. It was a sore disappointment that illness detained Hon. Eugene Hale, of Maine, but the disappointment was dispelled as soon as the speaker of the evening, Hon. Emery A. Storrs, of Illinois, took the platform. His easy bearing, polished utterance, and fluent speech soon captivated his audience, and prepared them for one of the most convincing political addresses ever delivered in Syracuse. His comparison of the records of the Republican and Democratic parties, elicited repeated applause

and made every Republican feel that he had nothing to be ashamed of, but everything to be proud of, in that he belonged to the party that had saved the Union, which was the only custodian of free government.

"Mr. Storrs' address abounded in telling illustrations, in the pointed application of parables, in keen satire, and unsparing exhibition of Democratic faithlessness all of which were quickly appreciated and heartily applauded."

Mr. Storrs spoke as follows:

"I prefer to speak, not as a Conservative Republican, nor as a Radical Republican. I confess an inability to understand precisely what those distinctions mean. I am simply a Republican, and in the present situation of our affairs, cannot comprehend, how my Republicanism can be classified or qualified.

"Republicanism means among other things, and principally to-day, the equal and impartial execution of the laws throughout the whole country, and the full and complete performance by the nation of all its guarantees. If Conservative Republicanism means that national obligations shall be moderately performed, and national engagements shall only be partially kept, then I am not a Conservative Republican, and have no hesitancy in repudiating any such attempted distinctions as utterly unsound and fallacious. Republicanism means, that the nation shall enforce *all* its laws, and shall faithfully keep *all* its engagements with *all* its citizens.

"It means this, because the nation has solemnly agreed that every citizen shall have a free ballot, and you might as well justify exceptions to that agreement, by giving only a portion of the citizens such a ballot, as to justify yourselves in paying a part of your national debt when you had agreed to pay it all.

"The failure to pay a portion of the debt at the time and in the manner stipulated because it should prove to be troublesome and inconvenient would be repudiation. And so the failure to secure to a portion of our citizens the full measure of a free ballot, because it would be troublesome or inconvenient would also be repudiation. The talk of keeping an agreement moderately, or of being conservative in the performance of solemn duties and obligations is, it seems to me, absurd. No man can be too radical in the performance of his duties, nor can he be too conservative in evading or shirking them. If an engagement is to be broken at all, it should certainly be done very conservatively.

"If the Republican party was ever a unit, it is one to-day. This is so mainly because the great issues now before the people admit of no compromise. Under the delusive and pestilential heresy of State Rights, the power and authority of the General Government to prevent frauds and to keep the peace at the polls at elections of Congressional Representatives, is denied by the Democratic party. The existence of this power and authority in the nation is as emphatically asserted by the Republican party.

"On such a question no middle ground is possible. It is yea, or nay, without compromise, concession, limitation or qualification. Upon this question it is idle to assail the administration, for the President and his Cab-



inet affirm the right, duty and power of the Government to prevent frauds and suppress violence at the polls.

"It is enough for us to-day to know that the Republican party, from the administration down to the most obscure private in the ranks, regard all further efforts at conciliation as unavailing, and demand with one voice, absolute justice to all citizens, the faithful performance of every national duty and obligation, an honest ballot, a free vote for every citizen at any cost and at all hazards, and the utter extirpation, root and branch, of the doctrine of State sovereignty as now taught by the Democratic party.

"Are the issues of the times of Washington and Jefferson any more fresh and living than those of the times of Buchanan, Lincoln—the rebellion—Grant, Tweed, and the last Confederate Congress?

"Will not the Democratic Orators be good enough in lucidating their platform to explain to an anxious public *what* principles of Washington and Jefferson they re-assert. Do they re-assert Washington's principle of the right of the Government to put down by force of arms forcible resistance to the execution of the national statutes; as was the case in the suppression of the Whisky rebellion, in which Washington invoked the military power of the nation to enforce the collection of a whisky tax? If so, why complain if, acting on precisely the same principle, the Government to-day calls upon the military power to enforce a statute enacted for the prevention of frauds and violence at the polls? Or do they re-assert the supposed principles of Jefferson, as announced in the Kentucky resolutions, practically asserting the right of secession? These were never Washington's principles—it has been claimed that they were Jefferson's.

"Coming down to times within the memory of men still living, the platform, speaking for the party, says: 'We hold to the Constitution with all its amendments, sacredly maintained and enforced, and to the rights of States under the Constitution.' It is comforting to be now assured that the Democratic party of the State of New York finally holds to the Constitution with all its amendments. They have certainly taken a great step in advance. In 1868 the Democratic party of the nation denounced the constitutional amendments as revolutionary, unconstitutional and void. It is within the memory of living men, when a Democratic Legislature of the State of New York sought to repudiate and set aside the ratification by a previous Legislature of the 14th constitutional amendment.

"The 14th amendment provides that all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States. Does the Democratic party hold to and maintain this? Will that party favor such congressional legislation as will protect all the rights of all the citizens? Has the Democratic party heard that the privileges and immunities of thousands of citizens of the South have been abridged? Is it in favor of legislation by Congress to prevent such abridgment?

"If so, why not say so? It is of but little satisfaction to 'hold to and maintain the Constitution,' without also holding to and maintaining the rights which the Constitution guarantees.

"The Constitution does not enforce itself. Is not the Democratic party in

the somewhat absurd condition of being enthusiastically in favor of the Constitution, and also enthusiastically opposed to all measures to put it into operation? No portion of the Constitution is efficacious without the aid of legislation. The Democratic party is in favor of the Constitution, but opposes the legislation necessary to enforce it. It holds to and maintains the guaranty of equal privileges to all citizens, but it opposes all legislation by which the guaranty can be carried out. We are a practical people, and are not accustomed to confound the shadow with the substance. We desire a Constitution which guarantees equal rights and privileges to all citizens. But we must insist that the guaranty be kept. What we finally demand is not the *promise* of freedom, but freedom itself; not merely a solemn assurance of equality of political privileges, but actual equality; not the promise, merely, but the thing promised. We insist that the promise shall ripen into performance.

"During the war the Democratic party opposed secession, but opposed the coercion of a State which seceded. It opposed rebellion, but opposed the employment of force to suppress it. It favored the vigorous prosecution of the war, but denied the right of the Government to raise armies. The Democratic party of the State of New York evidently believes that diseases are cured by the physician's prescription and that it is quite unnecessary for the patient to take the remedies prescribed.

"The Democratic party of the State of New York, in common with its brethren in Yazoo county, is exceedingly nervous concerning centralization. This is the language of the platform: 'The tendencies of the Republican party to centralization and consolidation are contrary to the principles of our institutions.' The charge lacks definiteness and we call for a bill of particulars.

"What are the evidences of these tendencies?

"First, The nation crushed a rebellion of Democratic States. Second, The nation made freedom national and universal and consolidated a Government strong enough to defend itself. Third, The nation incurred a national debt and bound the nation to its payment. Fourth, The nation provided a national currency—securing its holder against loss, making its value uniform throughout the nation and redeeming it in coin. Fifth, The nation made all persons born or naturalized within its limits citizens of the United States. It guaranteed them against any abridgement of their privileges or immunities by any State. It deprives any State of the power to deprive any person of life, liberty or property without due process of law. It prohibits any State from denying to any person within its jurisdiction the equal protection of the laws. Sixth, The nation has declared that the rights of its citizens to vote shall not be denied or abridged by the United States or by any State, on account of race, color, or previous condition of servitude. It has conferred upon Congress the power to enforce all these provisions by appropriate legislation. The nation has by appropriate legislation, sought the enforcement of these fundamental laws. This is centralization, and this the Democratic party opposes and denounces it 'as contrary to the principles of our institutions.'

"The noisy vigor with which the Democratic party *d demands unity* is something very beautiful to contemplate. 'Tis thus they make their plea in their platform: 'We insist on unity, fraternity, concord, and that the issues settled by the war shall not be revived. We deprecate the efforts of the Republican managers to revive sectional feuds and to rekindle the passions of the past.' Did the Democratic party thus insist in perfectly good faith, we might look for the speedy return of unity, fraternity and concord. Did the Democratic party of the State of New York demand of the gentle brigadiers of the South that they must henceforth cease burning school-houses, slaughtering negro voters because they were negroes and because they voted the Republican ticket, that they should regard all citizens as possessing equal rights, they might possibly possess sufficient influence to induce their Democratic brethren to cease for a while the vigorous propagandism of pure Democratic doctrine, by the persuasive agents of the torch and the shot-gun. It seems hard indeed that weak protests against being murdered for opinion's sake, should be treated as a disturbance of that unity, fraternity and concord which the armed and masked ruffians of the South so persistently and so prayerfully seek.

"Pray what were the issues settled by the war? First and foremost was the issue of State sovereignty. The war settled our right *to be* as a nation. It settled the right of the nation to protect all its citizens. It settled the right of the Government to execute its own laws by the employment of force, whenever its officers were opposed by force. It settled the right of the nation to utterly demolish any State or aggregation of States which set the national will at defiance. It settled the power of the nation to conquer and beat down any organization of individuals or States arrayed against it. The Democratic party now disputes all these well settled propositions, and it will be well for the Democratic party if it does not tempt the nation to settle these questions again, for they will be assuredly settled in the same way, but with added emphasis."

Mr. Storrs then reviewed the record of the Republican party since its organization, and rejoiced that we were members of that party, which has done more to advance the interests of the human race than all the parties that ever existed on the face of the earth. He also reviewed the history of the Democratic party and its achievements, and brought down the house by the remark that Tammany was powerful while Tilden, the greatest scoundrel of the age was at its head, but according to the Democratic papers, Tammany had lost its influence since a man of spotless life and character like Kelly had taken the leadership.

"Under the circumstances that exist at the South the question may well be asked what was surrendered? Was it the guns only, or the principles of disunion and State Rights and other dangerous heresies that came near destroying the Union? The Democratic party in their platform say they

want peace, fraternity and concord. If the Democratic party should say to the gentle brigadiers you must cease your murderous acts and allow the Union people of the South to vote and think and speak as they wish ; peace, fraternity and concord will soon follow. But the peace they desire is the peace of the graveyard. That is that peace that exists between the Democrats of the South and the murdered Chisholm and Dixon.

"But the most surprising feature of this extraordinary document is the demand for honest elections, which is couched in this language: 'We demand honest elections and an honest count of votes. Never again by fraud or force, shall the popular will be set aside to gratify unscrupulous partisans.' Proceeding from such a quarter this demand dizzies one. It is as if Lucifer elevated on his brimstone throne should shout for a rigid adherence to the ten commandments.

"The first answer to be made to this demand is, that if it is granted just once more, the Democratic party will not have vitality enough left to demand even a burial. By the act of Congress of 1870, an honest election is precisely what we intended to secure, and this law the Democratic party seeks to repeal by a resort to revolutionary measures. The Democratic party never favored the passage of a law, national or State for the prevention of frauds at elections. No law of that character has ever been enacted, of which it has not sought the repeal.

"This series of 'elegant extracts' must close with one of the most touching passages in all literature, and stony indeed must be that heart which can listen to the passage which I am about to read, without being moved to its deepest recesses. David mourning for his Absalom, and Rachel mourning for her children refusing to be comforted, present no picture of grief and sorrow more bitter than this. 'We look with shame and sorrow on the disgraceful repudiation of all their professions of civil service reform by the executive and his supporters. Federal offices have been freely given for despicable partisan services. The leading officers of the government are making partisan speeches, managing political campaigns and requiring their subordinates to contribute to the campaign funds in derogation of every principle and promise of honest civil service.' This sounds like the wail of a lost spirit.

"In the midst of our sobs and our tears may we be permitted to inquire who 'we' are, that 'look with shame and sorrow,' etc. No Democratic office-holder takes his weary pilgrimage up and down the State in behalf of his candidate. No Democratic office-holder is asked to contribute a dollar of money for political purposes. The Sage of Gramercy Park himself scorns lucre, and refuses to employ it.

"But I will not lacerate your feelings by pursuing this distressing topic further. Let us drop the curtain upon the tearful scene.

He then proceeded to discuss the question of State Rights and other heresies at length.

"At the foundation of our present political differences is the old, old controversy of State Rights. The doctrine asserted to-day by the Democratic party is precisely that which led them into rebellion in 1861. There is no



change whatever in the political principles which they maintain between the Democratic party of 1879 and 1861; the only change is in the circumstances and conditions to which their old heresy is applied.

"In 1861 the Democratic party south asserted the right of the state to secede from the Union, and the Democratic party north denied the power of the general government to execute and enforce the laws, denied the right of the government to coerce what they called a 'sovereign state.' Their doctrine of the sovereignty of the state is now precisely the same, applied only to different conditions. To-day the questions are, first, Has the general government power by law to regulate the elections of its representatives and to enforce such regulations? Second, Has the general government power by law to enforce the constitutional amendments, and in case laws made for that purpose shall be practically nullified by force, shall the government put down by force resistance to such legislation? . . .

"Our first inquiry then is 'Has the general government the right to enact such laws?' Congress has, from the express language of the Constitution power by law to enact and alter regulations as to the time, manner and place of holding elections for representatives. This language is so specific, that it is impossible to gainsay, or deny it; yet leading Democratic orators in the House and in the Senate, proceeded upon the idea, that, notwithstanding this plain provision of the Constitution, the general government has no right to keep the peace at the polls. It of course occurs to us that it is very extraordinary that the Government of the United States, is competent to enact a law, but is helpless and incompetent to carry it into execution, providing the enforcement of that law is resisted by force? In other words, if an attempt at the violation of a national statute, takes form so serious as to result in the breach of the peace, then the government is helpless, and the peace must be maintained, not by the government whose express laws have been violated, but by the state wherein the violations have occurred.

"How utterly absurd, indeed how criminally absurd such a proposition is, as a matter of statesmanship and law, would be obvious from a moment's consideration. The general government has provided for the transportation of mails, carrying them into the remotest quarters of every state in the Union. Yet while the Democracy will not question the right of the government to enact such laws, and while they will avail themselves of all the privileges which result from the transportation of the mails, they insist, if the transportation of mails be resisted by force, the army cannot interfere and secure the transportation of the mails. If a breach of the peace results from such armed interference with the government, then peace must be restored, the Democracy claim, not by the nation whose laws have been insulted, but by the state wherein the insult was committed. So too, it is unquestionable that the government may levy tax, for revenue purposes, on whisky and tobacco: but the doctrine of the modern Democracy is if the collection of those taxes be resisted by force and the peace be broken, that peace must be restored by the state and the government



must stand idle, until it sees its own laws enforced by an authority which had no hand in their creation, which has no power to suspend them, and no right to interpose an obstacle to their execution.

"But this question assumes a much broader significance in view of the clear duties and privileges of the government under the constitutional amendment. The real solid question of the hour, after all, is, 'Shall the constitutional amendments be practically abolished?' An unexecuted law is much worse than no law and the extremity to which we are now driven is, that having placed in our fundamental law certain guarantees, the government which has placed them there has no power to perform its engagements or to enforce obedience to the fundamental laws which it has enacted.

"When we consider the dangers that now threaten us, it would be difficult to imagine a state of facts more alarming in their character. Stated in a single sentence the condition of affairs is this: The majorities in at least four great states are disfranchised by force, fraud and murder. Take it upon an honest vote and Louisiana and South Carolina are as clearly and unmistakably Republican as are the states of Vermont and Iowa. Louisiana and Mississippi, South Carolina and Florida are Republican states; but the Republican voter is not permitted to cast a ballot.

"In certain parishes in the South which in one year showed by the registration three thousand Republican votes, a few months thereafter when the election occurred, showed no Republican votes whatever. Such a state of things can not be explained upon any ordinary hypothesis consistent with innocence. The facts sufficiently explain it. The Ku-Klux, the White Liner, the Rifle Clubs, the raids by night, the burning homes—all these are the efficient causes for the disfranchisement of the majorities in these states.

"Pressed for an explanation for this condition of affairs, the Democracy who, but a few years ago, unanimously and noisily asserted that it was impossible to teach the negro anything, now claim that this tremendous and sudden falling off in the negro vote is the result of the conversion to Democracy, which has been in the main, effected through the miraculous agency of Tilden's Literary Bureau.

"I must decline to believe that within a period of about ninety days, this great literary bureau has been so efficacious a worker as to convert tens of thousands of white and black Republicans of the South from the Republican doctrines, into the subtle and mysterious complications of the Democratic creed. The fact is the pretence is absurd. Stated very briefly, therefore, the condition of affairs is a steady, persistent and forcible violation of the laws of the land. The inquiry is, what is the remedy?

"I shall now spend but little time in discussing the powers of the government and its duty in the enforcement of the amendments. I think I should not be justified in pursuing the inquiry as to whether the Constitution of the United States is constitutional. In reference to the question of the power of the government, I would say nothing were it not for the fact that in most unexpected quarters that power seems to have been overlooked. You will readily understand that I can have no knowledge sufficiently definite or accurate to justify me in forming or expressing an

opinion as to the merits of individual controversies in this state. I can have no knowledge which will justify me in expressing an opinion as to the motives which seem to have constrained so distinguished a man as Mr. George W. Curtis to advocate the scratching of the Republican ticket at this campaign. I only know of Mr. Curtis that he is a man of wide celebrity, of splendid culture, of the highest order of literary attainments, and I suppose of the most blameless life and private spotless character.

"On this great question the power of the government to enforce its own laws—the views of Mr. Curtis are not those of any other known Republican in the United States. In a leading article of *Harper's Weekly*, published September 14th, 1878, Mr. Curtis, in discussing these questions generally, employs this very extraordinary language: 'Even if abuses of the colored citizens were much more universal and flagrant than they are, they are of a kind which can not be brought into national politics. Personal protection is under local laws.' And again in the same article he says: 'A national party can be maintained only upon national issues and the personal protection of a citizen in his state is not such an issue.' May I be permitted to inquire, in view of the constitutional amendments which I have just read to you, why it is that abuses of colored citizens can not be brought into national politics? The abuses which they suffer are in direct violation of the guarantees or protection which the nation has made with them. Is it possible that the enforcement of a national guaranty is not a national question? And is it possible that when the steady and persistent violations of national guaranties cover so broad an extent of territory that four to five states are disfranchised these violations can not be brought into national politics?

"'Personal protection,' Mr. Curtis says, 'is under local laws.' This is true of some kinds of personal protection, but it is glaringly untrue and unsound as to the personal protection which is claimed for the negro of the South; for the personal protection claimed for him is explicitly that which the constitutional amendments guarantee and promise he shall have. In other words, the breach of a national engagement presents a national issue. The nation has agreed to pay the national debt. The question as to whether we shall pay the debt or not as we have agreed, is, I apprehend, clearly enough a national question. The nation has agreed to protect all its citizens in the enjoyment of all their privileges and immunities. Whether it shall thus protect them as it has promised, is as much a national question as is the question whether it shall pay its debts. The doctrine thus declared by Mr. Curtis leaves us absolutely helpless, for as to the amendments prohibiting *the state* from abridging the privilege of the citizen, the doctrine of Mr. Curtis would turn over to the state the entire question as to whether the privileges should be abridged or not. Holding such doctrines he could hardly vote for Mr. Cornell, for he and the Republicans of the state of New York and in every state and hamlet in the nation, hold directly the opposite doctrine.

"The next inquiry is 'Have we any remedy for the evils of which we complain?' And I trust that I will be excused if the remedies which I

propose are of an eminently practical character, for the danger is imminent and the injury is practical. You have observed that at the end of each of the amendments which I have read to you it is provided that Congress shall have power to enforce this article by appropriate legislation. The articles provide for the protection of the privileges and immunities of the citizen, securing to them the equal protection of the laws and the right of suffrage. What would you suppose that appropriate legislation would mean in cases where those privileges and immunities were denied by force and arms, by violence and by fraud. It is well also to remember here that the Constitution of the United States is not self-operating. It does not put itself into motion. The Constitution provides in a general way for the transportation of the mail. The Democracy is in favor of the Constitution, but applying to that portion the same line of reason that he applies to the 14th and 15th amendments, he would be opposed to legislation by which the postal system was created. Hence we would have the Constitution and no mails. The Constitution also provides for the creation of federal courts. The Constitution-loving Democrat is enthusiastically in favor of the Constitution. But to pursue the same line of reason he employs to-day, he would be opposed to any legislation by which courts were organized; hence he would be in favor of the Constitution, but we would have no courts. The Constitution-loving Democrat declares that he is in favor of the amendments; he is in favor of extending to all citizens of the United States equal privileges and immunities, and protecting them; but he is utterly opposed to any legislation by which those privileges and immunities shall be secured. We are a practical party, and what we want is not so much a Constitution that promises freedom as freedom.

"I repeat now the inquiry, What is appropriate legislation, and have we a remedy? If, as the case now is, these privileges and immunities and equal protection of the law are denied the citizens by force, would you execute the law by a song, or a sermon, or a platform? Would under such an emergency, the legislation that provided school books and school teachers, be regarded as an appropriate legislation? So unpoetic am I that I think it would be grossly inappropriate legislation. I think that where a right is denied by force, that kind of legislation which will protect a party in the enjoyment of the rights, proper for the emergency, is that which provides for more force. I think in other words, that if a right of a citizen to vote is interfered with by guns, his right should be asserted by more guns. If armies interfere with a citizen in the enjoyment of the immunities and privileges guaranteed under the Constitution, I would carry out and execute the promise in the Constitution by larger armies. I know of no other kind of medicine adequate to that emergency. Again, what is the remedy? First, that kind of legislation that will clothe the Executive with the power to meet force with force; with the power to put down all breaches of the peace; with the power to keep its engagements by force, if necessary. That kind of legislation first, and next a President with such rigidity of back-bone and rigor of Republicanism that he will have no hesitancy to enforce the law to its uttermost letter in the interests of justice. I know no remedy for violated

laws which can be considered as entering into sound and wise statesmanship, short of the enforcement of the laws. It would be well, if by kind treatment, patient pleading, intellectual and moral training, all people should be brought to that high standard where none would violate and all would obey the law. We have not reached that high condition, and while we are toiling towards it, the enforcement of the laws and the punishment of those who violate the laws, must go on, and can not in the meantime be suspended.

"I confess that standing in the presence of great national guarantees disregarded, national promises unperformed, laws shamelessly violated; of speech throttled and thought suppressed, my sympathy is for the outraged victim of these crimes, and for the criminals who perpetrate them, I can wish only—justice. I am not ungenerous nor unkind to the murderer when I stay his hand. I am not cruel to the house-burner when I extinguish his torch before he has applied it. I ask, first of all, that the insulted majesty of a great nation be vindicated, and its violated laws be lifted up and enforced. Toward all our fellow citizens, South and North, I ask the equal enforcement of all the laws. I ask that crime shall be punished first. After which, patient pleading with the criminal may be in order."

The following despatch to Hon. Chester A. Arthur, written on the 31st of October, 1879, explains itself:

"Senator Chandler addressed last evening one of the largest Republican meetings ever held in Chicago, and made, without question, the greatest effort of his life. In apparently perfect health when he retired, he was found dead in his bed this morning, having evidently died without a struggle. He died with his harness on, and his last utterances apply even more thoroughly to the Republicans of New York than Chicago. He said, 'By your verdict you are to send forth greeting to the people of the United States, saying either that you are in favor of honest men, honest money, patriotism, and a national government, or that you are in favor of soft money, repudiation, and rebel rule. You cannot afford to turn this government over to the hands of the repudiating rebels. Shut up your stores. Shut up your manufactories. Go to work for country.' Will not the Republicans of New York regard this appeal as almost sacred, addressed to them?"

EMERY A. STORRS."

"Hon. Chester A. Arthur, Fifth Avenue Hotel, New York."

## CHAPTER XXXIV.

### EMOTIONAL INSANITY IN MURDER CASES.

TRIAL OF PETER STEVENS AT CHICAGO FOR THE MURDER OF HIS WIFE—A SAD STORY OF CONJUGAL MISERY—THE TEMPTATIONS OF A GREAT CITY—THE PLEA OF EMOTIONAL INSANITY SET UP FOR THE DEFENCE—MR. STORRS MAKES A POWERFUL ARGUMENT FOR THE DEFENDANT—THE VERDICT.

In the fall of 1878, the community of Chicago were again startled and shocked by what at first appeared to be a murder of an atrocious character. The victim was a young married woman not yet twenty years of age, and her slayer was her own husband, from whom she had separated. The scene of the homicide was close by one of the beautiful little parks of the city, and the time was a quiet Sunday afternoon, when the park and the adjacent streets were full of people. Popular indignation was aroused against the slayer both on account of the sex and the extreme youth of the victim; and had it not been for the prompt arrival of the police, the verdict of the excited crowd might have anticipated that of a legally organized jury. But when the facts came out in evidence on the trial which followed, there was a considerable abatement of the popular feeling, and it was found, as not infrequently happens, that the provocation the injured husband had received was great, and that had he directed his vengeance against the betrayers of his wife instead of against herself, his act would have been pronounced a justifiable homicide by the general voice of the community, and by the law of the State of Illinois as well.

It was the old story of a wife's infidelity and a husband's wrath. Peter Stevens, the husband, was a youth not much



older than his child wife, and was employed as a clerk in one of the courts. He added to his income by working in the evenings as a copyist for several short-hand reporters of testimony in the law courts. His young wife, living in a boarding house, was thus left far too much to her own devices, with the dangerous independence of a married woman while yet little more than a child, in a city where temptations to go astray are peculiarly abundant. She formed bad associations. Her personal beauty exposed her to the attentions of a set of disreputable men, known as "mashers," who treated her to theatrical matinees, and entertained her at restaurants of questionable reputation. Her intimacy with these men soon became known to Stevens, and the quarrels between him and his wife on this account rendered their married life unhappy. Her own mother does not seem to have been qualified to give her judicious counsel. She took part with the erring wife against the angry husband, and finally Mrs. Stevens went back to her mother's home. Stevens was forbidden by his mother-in-law to come there to visit his wife, and under her influence his wife refused to see him. On the Sunday morning of the tragedy, Stevens was met by an acquaintance who told him that he had seen Mrs. Stevens the night before entering a hotel with a real estate man named Boyd, well known around town. Stevens had before forbidden his wife to receive this man's attentions or continue his acquaintance, and this information stung him to uncontrollable fury. He sought out his wife, and in the afternoon met her near Jefferson park, walking with another woman. He went to her and asked her to speak with him aside. Her answer was defiant and repelling. She told Stevens she wanted nothing more to do with him; and he, finding remonstrance vain, and driven out of himself with passion, drew a revolver and shot her, killing her instantly.

The shot was heard by a policeman close by, who conveyed Stevens to the police station. He was indicted for murder, and tried in the Criminal Court of Cook County in April 1879, Mr. Storrs appearing for the defence.

The theory of the prosecution, which was very ably conducted by Hon. Luther Laflin Mills, the eloquent State's

Attorney of the county, was that Stevens was a jealous, ill-tempered fellow, who treated his young wife cruelly, and got into an unreasonable rage whenever he saw or heard of her speaking to a male acquaintance, and that her mother had been obliged to interfere and separate them, to save her daughter from his brutality. Mrs. Young, the mother-in-law, came upon the stand, and swore in positive and unmeasured terms to this state of affairs; and Stevens' landlady and her neighbors also testified to his ugly temper and rough behavior to his wife. They were obliged to admit, however, on cross-examination, that Mrs. Stevens frequently went out at night to dances with other men while her husband was at work in the city, and that the scenes they described always happened when Stevens came home and found her absent, and learned that she was in company of which he disapproved.

The objective point of the defence was to show the provocation which Stevens had received, as illustrating his state of mind at the time of the shooting, and supporting the plea of emotional insanity. For this purpose it was shown that in the first year of his married life, he had obtained a situation in Cincinnati, and taken his bride with him to that city. He had night work to do there also, and one night, on coming home, found his wife absent, and learned from the people of the house in which he boarded that she had gone to the theatre with a man whose acquaintance he had desired her to avoid. His jealousy and indignation so overcame him that he had an epileptic fit. On another occasion, in her absence, he looked into her trunk, and found there a package of letters which she had been imprudent enough to preserve. Reading these, he discovered that they contained proposals of assignation from some of the fast youth of Chicago,—one from a real estate man of the name of Sampson. In one of these letters there was an invitation to Mrs. Stevens to take a moonlight sail across Lake Michigan in an excursion steamer, with a suggestion that the writer and herself should occupy the same berth. The perusal of these letters threw Stevens into another paroxysm, and a terrible scene occurred between him and his wife on her return. Stevens threw up his employment in Cincinnati and returned to Chicago, taking

his wife with him. There she pursued the same line of conduct, and the tragedy of that peaceful Sunday was the result.

Several of the poor girl's betrayers were put upon the witness stand, and made to confess their own infamy. Mr. Boyd wriggled uneasily on the chair, and seemed to feel keenly the uncomfortableness of his position, while subjected to the scornful questioning of Mr. Storrs. He denied that there had been any criminality in his intercourse with Mrs. Stevens, whose acquaintance he said he had made through her coming to his office seeking employment as an amanuensis. Sampson, on the other hand, when confronted with his own letters, treated the matter with the most unfeeling bravado, as an exploit of which he seemed to be proud. He had evidently braced himself up for the exco-riation he received from Mr. Storrs. The climax of this branch of the defence was reached when Mr. Storrs put in evidence several letters from Stevens' mother-in-law to him in Cincinnati, showing that on making these discoveries of his wife's unfaithfulness Stevens had written to her, and in her replies she condemned her daughter's conduct, and praised Stevens for his forbearance and kind treatment of the wayward girl. This completely destroyed the effect of Mrs. Young's testimony and that of the long array of female gossips whom the State's Attorney had skillfully marshaled in the court-room, and, added to the testimony which Mr. Storrs had forced out of the mouths of the poor girl's seducers, turned the scale in the prisoner's favor.

Several medical experts were called, to whom Mr. Storrs submitted a hypothetical case embodying the facts as claimed for the defence, and elicited from them an opinion that Stevens, at the time of the shooting, was in a condition of mental irresponsibility. On the part of the State, some other experts who had made insanity a study were called, and to them Mr. Mills propounded an equally ingenious hypothetical question, setting forth the facts as he claimed them to be; and as a matter of course these gentlemen pronounced Stevens sane at the time of the homicide. Mr. Storrs put the State's experts through an exceedingly clever and adroit cross-examination, and succeeded in confusing some of them, and leaving an impression that they did not know quite so well what they were talking about as did the experts called for the defence.

The defence of emotional insanity, relied on in the Stevens case, was at this time altogether out of favor with juries in our criminal courts. It had been successfully resorted to in murder cases so many times that the newspapers denounced it, and a public opinion had been created, rightly or wrongly, that this plea in such cases was "too thin," and that its successful advocacy was equivalent to a miscarriage of justice. It was clear that the jury in this case were more impressed by the facts brought out in the testimony for the defence than by the technical plea. In an able argument, Mr. Storrs reviewed these facts, and spoke pathetically of the blighted married life of the defendant, the wreck of his domestic peace, and the mental suffering he had endured. On this point he appealed not only to the testimony of Stevens' Cincinnati landlady, but also to that of some of Stevens' Chicago employers, who gave a striking account of his despondency and distress of mind for weeks before the shooting, and also spoke highly of his general character. He commented with withering scorn upon the conduct of the scoundrels who had seduced the poor, thoughtless young wife, and contrasted Mrs. Young's letters to Stevens with her story upon the witness stand. He read a large number of extracts from authorities on medical jurisprudence, and from the works of distinguished English and American doctors on the subject of legal responsibility in mental disease,—such as Maudsley, Tuke, and Hammond,—and claimed that when he fired the fatal shot, Stevens was the subject of what these writers call an "irresistible impulse," and could not be held responsible for the crime of murder as charged in the indictment.

The jury evidently made allowance for the provocation that Stevens had received, and absolved him from the supreme penalty; but they were not convinced of his legal irresponsibility, for they sentenced him to fourteen years' imprisonment.

## CHAPTER XXXV.

### AN ADDRESS TO DOCTORS.

A SERIO-COMIC ADDRESS TO A GRADUATING CLASS—EARLY RECOLLECTIONS OF HOME-MADE REMEDIES—WHAT HE KNEW ABOUT DOCTORS—CHICAGO THE GREATEST MEDICAL CENTRE AND DISTRIBUTOR OF DOCTORS AND DISEASES—THE FIELD OF MEDICAL JURISPRUDENCE—MEDICAL EXPERTS AS OTHERS SEE THEM—INSANITY AS A DEFENCE IN CRIMINAL CASES.

IN a lengthy description of the sixth annual commencement of the Chicago<sup>\*</sup> Homeopathic Medical College, a journal spoke of Mr. Storrs, who was the orator of the occasion as follows: "Emery A. Storrs, one of Chicago's best known citizens, is a study. His greatness—for he may be said to be great—does not lie in any one exclusive direction. He possesses a combination of qualities in more than an ordinary degree of excellence. And there can be no doubt that if he had chosen any one of the three paths that are manifestly open to him as his exclusive line of life, he would have reached a foremost place. If he had chosen the profession of oratory, he would have left Beecher, Gough, and Ingersoll, far behind. If he had confined himself wholly to law, he might have stood to-day peerless among the legal magnates of America. If he had made politics the passion of his life, heaven only knows what he might not have been by this time. He is a very remarkable man as a speaker. He has the unusual faculty of knowing exactly what to say, and the still more remarkable gift of knowing what not to say. . . . He has the skill of leaving his audience with the impression that there are about five hundred and eighty-four good things which he was going to say, but time is up and he will save them till next time; and so it comes to pass his audience never tires of him. As a lawyer, he holds a place all his own in the legal



profession. . . . As a politician, Emery A. Storrs is not regarded as an aspirant for any office. . . . On Thursday, the 2nd of March, the sixth annual commencement of the Chicago Homeopathic Medical College took place at Haverly's theatre, and Emery A. Storrs was appointed orator for the occasion. The arrangement was a great joke; but Mr. Storrs was equal to it, and he made a speech with a good deal more of genuine wit than Mark Twain would have uttered under similar circumstances. The oration, however, did not close without some very wise and weighty words. There was a distinct moral adorning the tale so pleasantly told. The affair was a grand success, and that owing largely to the fact "Saul was among the prophets." Chicago may well be proud of Emery A. Storrs, if he is the "mildest pill in the box." The speech, in full, was as follows:

"MR. CHAIRMAN AND FELLOW-CITIZENS: During my absence from home this whole business, so far as I am connected with it, was arranged. I was appointed and advertised, as the orator on the occasion of a medical college commencement, by my clerk. I was selected probably because of my large, varied, and broadly comprehensive ignorance of all the topics involved in the course of education and training. [Laughter.] I probably know less about medical things than almost any man in this community. I not only lack reading, but I lack practical and personal experience of the medical science. And I was probably appointed to occupy this position for the reason that I would be entirely unembarrassed by the facts, and unencumbered by any knowledge of the subject, so that in my speech I might wander with 'maiden meditation' and 'fancy free.' [Laughter.] That is what I propose to do. [Renewed laughter.] And I say now that I shall probably deliver to you the most discursive address you ever heard on this or any other topic."

"I have said I have no medical reading to qualify me to talk to medical students or to doctors. I have but very little experience in medical practice, because very little of it has ever been bestowed upon me. My recollections date back many years ago, when, as a very young boy, I first discovered that there was a bitter to every sweet and, for reasons which my mother and you doubtless understand, I never could appreciate the virtue of spirits of turpentine with all the sugar I ever had. [Laughter.] My reminiscences of the measles I will not now undertake to recapitulate. I look back upon spirits of turpentine expressly—upon the years when I took senna and catnip, and regret that I was not born in a later generation, when the size of the pills had been largely reduced, and the nauseousness of the doses had been very much alleviated. [Laughter] I think I can appear here to-day as counsel for the great body of our fellow-citizens, deeply interested in you and your science—the patients. I propose to speak for them."

"They have my sympathy. [Laughter.] I very much doubt whether you have. And when I have been hurriedly looking over the statistics and find 1,200 medical students in this town in one year, you must excuse me if such a table of figures excites in my mind the most grave and serious, and alarming apprehensions. [Laughter.] I am assured that Chicago is a great medical centre. Whether that is something that the great body of its people who don't administer medicine are to rejoice over I don't know; I am not so sure about it: but with you, gentlemen, as much as with us, time makes all things even. The time finally comes when we have to go to you. And then we beg of you, for our sakes and for your sakes, use your science, but go slow. [Laughter.] Chicago is a city of wonderful growth, and for the last half hour I have been meditating upon the marvelous equilibrium of things which we find throughout all this world, and that, even in the creations of doctors, that great economic law of supply and demand is enforced. We have in this city, I am told, six medical colleges and one school of nurses. Two of these colleges are allopathic, two of them homeopathic, one of them eclectic, and there is one woman's college, also allopathic. These buildings cost \$250,000. The number of students—I wish my patient sympathizers to understand—last year was 1,200, and the number of graduates reached the astonishing number of 600. Think of that! And these students and these graduates came from every State and from pretty much every country of the habitable civilized globe. These young medical students spent in this city, in one way or another, during the last year, about \$300,000. That is the present situation of this great science in this city to-day. The future promises very largely, for when the Cook County Hospital is completed it will be the largest in America. Next year a new college, to be known as the Chicago College of Physicians and Surgeons, will be completed. It is to be directly opposite this great hospital, and then there will be gathered around it four medical colleges. This, I am assured, will make the City of Chicago the greatest medical centre in the world. There is something eminently fitting, and proper, and natural, that these colleges should gather around a hospital. It follows other lines of development. The pork-packing establishments gather around the Stock-Yards. [Laughter.] There is nothing funny about that. [Renewed laughter.] The grain dealers gather about the Board of Trade, the lawyers hover about the Court-House, and the medical colleges surround the hospital. The past of the history of medical education in this city will illustrate how remarkable and how wonderful its growth has been. Fifteen years ago there were thirty-five homeopathic students in this city. Ten years ago there were eighty-four. Five years ago there were only eighty-six. But two years later, after the establishment of the Chicago Homeopathic College, the number had increased to 150, and this year the number doubled any previous year. Thus, as you see, Chicago in another respect has become a great distributing centre. It distributes doctors and disease probably in a larger measure and in a larger variety than any other city on the face of the habitable globe. We have more kinds of doctors, and we have more kinds of disease, and we cre-

ate doctors and diseases faster, and the calls for both are larger, and the supply is more nearly regulated by the demand than any other known commodity. For wherever, from our infamous system of drainage, from the universal diffusion of sewer-gas, a new and complicated form of disease springs up, Chicago furnishes a new kind of doctor, eminently fitted and adequate to treat that new sort of disease. [Laughter.] In this respect, you see, I am speaking of it as an economic question, regulated by the great and inflexible law of supply and demand. There is one favor I would like to ask of this graduating class, and that is that they won't set up the old-fashioned job on us, whenever a new disease presents itself with which they are not able to deal, and call it the malaria, as if that meant anything specific. That is what I know about doctors.

"There is something, however, which I desire, in a rather more serious vein, to say to you, and that is that your profession holds very near and close relations to my own, and that you will find, before you have finished it, that the profession of medicine has very much to do with the administration of justice, particularly with the administration of criminal justice. I wish to impress upon you the importance, which every practicing lawyer has discovered from his actual observation, of the development, in a much larger measure than we have heretofore seen, of the study and understanding of that science, so to speak, which I may be excused for calling medical jurisprudence, and which, freely defined, means merely the application of your medical science to the administration of justice. Physicians, from the very nature of the case, are frequently called into courts as experts, their qualification as experts being based upon their supposed knowledge of the science which they profess to and do practice. I may be excused for saying at the outset that medical experts, as a rule, have within the last few years fallen into very widely extended and very serious disrepute. Courts are inclined to disfavor and discredit them. That does not result from the fact that there is any objection they have to calling to the administration of justice all the aids which your science can furnish it, but rather from the fact that there has grown up a class which, perhaps, may be called professional experts, that has cast discredit not only upon the testimony of experts, but upon that most worthy profession to which they profess to belong. The distinguished and the able physician, I have discovered, as a witness, is among the plainest and most undemonstrative, and simplest of men. I find words of thundering length and sound, technical in character, employed by the medical expert and witness, mostly by the medical gentleman whose medical opinion is of but little value in court or elsewhere. I remember a case which illustrates this, occurring almost in an adjoining county, which shows how absurd this affectation of learning may become, and how liable such affectation is to discredit even the profession itself. A school-teacher was sued for whipping a boy in school. A physician, bursting with his own importance, was placed on the stand to describe the nature and extent of the injury, and he said that he examined the boy's arm and found upon it 'a discoloration

caused by the extravasation of the sanguinous fluid beneath the cuticle.' Called upon to bring himself down to the comprehension of the average juror and the average natural man, he was fain to confess that the condition in which he found the boy's arm was that it was black and blue. [Laughter.] Now the first description, of course, was rather appalling to the jury, and when it was thundered forth I looked for a very large verdict against my client; but when it was reduced to its ultimate, the verdict was reduced with it. [Laughter.] A few years ago, in this city, we had a very famous case, which involved a discussion, to the aid of which we were compelled to call physicians, as to the effect of aconitine when externally applied. I remember [he was not of your school] a large, bursting, bumptious, self-sufficient, all-sufficient, insufficient man [Laughter], who came into court announcing that the variety, and magnitude, and tremendous gravity of his engagements required that he should be immediately placed upon the stand and released. Other distinguished doctors came there—quietly came and went. This doctor gave us the views of Dioscorides on that plant, and, being bothered about the origin and history of Dioscorides in his cross-examination, I learned from that stiff and bumptious physician, that Dioscorides was a contemporary of Peter the Hermit. And he staid all through that blessed trial, which lasted ten days. [Laughter.] I think he is attending some trial to-day.

"You are the most frequently called upon, perhaps, as I have said, in criminal cases. See how wide your field is going to be in the future. The validity of wills, the disposition of millions of money, vast estates, the interests of families—all may hinge upon the intelligence of your judgment and the intelligence and clearness with which you can express that judgment with reference to the devising capacity of the testator. Questions arise as to whether death was caused by accident or design. Don't let your science run away with you, for the books are full of cases where medical witnesses, some of the most conspicuous of whom were in that famous Baltimore case, have been eager to find traces of poison, and the subsequent development of the utter uselessness of such investigations was all that prevented the hanging of one who turned out to be an entirely innocent man.

"The larger class of cases involve what are called questions of insanity. And here I think you will excuse me if I give you a few words of a lawyer's advice. I want to say to you that I doubt whether you can, any of you, give what under all circumstances would be regarded as a satisfactory definition of that word insanity; and I have the authority of some very great medical men, and supplement their authority merely, when I say to you that if you were put upon the stand and asked to give a definition of insanity which is to be at all points correct, and which is to cover every conceivable form of disease of the brain which might be classified as insanity, I think you will find it safer to decline.

"Moreover, I want to suggest this: That insanity with the courts and with lawyers may mean one thing, and insanity with you, as scientific gentlemen, may mean another thing. The courts have to deal with the



interests of society, and they are bound to protect society, against the maraudings of any man and every man capable of apprehending the nature of his own conduct and capable of controlling it. Legal insanity cannot exist, I think, wherever the party setting up insanity as a defense has sufficient of mental capacity left to discriminate between right and wrong—to know the difference between guilt and innocence—to comprehend the consequences of the act with the commission of which he is charged, and able to control his own conduct. Now, in my judgment—and I want to suggest that to you—I don't care how crazy, how insane you may conceive a man to be, if he comes within those limitations the law must treat him as responsible. [Applause.] That is all there is about it. And I know that, embarrassed with the solemnity of the position which you hold as medical experts in cases of that character, you will move up to your opinions very cautiously—very patiently; you will not be swift to tell them, and when you are examining the symptoms which may indicate a disease of the brain you will remember that it is not a mere disease of the brain, without regard to its extent, which excuses from the commission of crime, but that degree of disease which thus excuses must be carried to that extent as to deprive the accused of legal and moral responsibility by placing the act with which he is charged beyond the power of his control for prevention or commission. You must understand by this time that I have the Guiteau case in my mind. I commend to you the charge to the jury by Judge Cox in that case as embodying what, it seems to me, is about as wise and satisfactory a solution of this very difficult problem as can be found anywhere in the books.

On the other hand, so far as questions of insanity are concerned, much is said nowadays about insanity of an emotional character. I don't pretend to instruct you. It would be absurd for me to attempt to do so on these questions. I invite your consideration to them. I ask you whether there is such a thing as paroxysmal insanity, and to think about it before you answer. I ask you whether there is such a thing as emotional insanity, and to think about that before you answer. I ask you to consider whether illogical freaks, ill-reasoned enterprises, bad temper, unfortunate speculations—anything a little out of the rut of the natural—would lead your mind necessarily to a conclusion that the party thus eccentric was insane. Take this test when these questions are put to you; Take any man's life—any man of strong vital, moral, and intellectual forces—pick out in the strongest and best man's life all the absurd things he has done, all the idle and ridiculous words he has uttered, all the illogical enterprises—judged by hindsight—in which he has been engaged, all the freaks and caprices which he has committed, and pile them up on a table, dissociated from the general run of the man's life, before any jury. I beg you to consider what havoc such a display would make with the reputation for sanity of the strongest and best men in our community? How would General Strong like to have that test applied to him? I would not like it myself: No man here could



stand it. I suggest that because these hypothetical questions will be put to you, and the lawyer addressing the question to you will pick out from the career of his client's life all the absurd and ridiculous things, real and supposititious, and ask you what you think of such a man that has done and said that sort of thing.

"You, perhaps, might say, if that indicated the general current of the man's life, and spoke for it, and fairly illustrated it—if that was the man, and not merely a part of the man—perhaps it would be sufficient to reach the conclusion that he was legally and morally irresponsible for anything he did; but it seems to me that you would quite well be justified in saying that you would hardly undertake to determine the question of any man's sanity or insanity by supposed fragmentary and isolated instances of his life, presented to you and laid before you for your judgment. In other words, it reaches simply this result: You are asked to give a judgment upon a most grave and a most serious question, where you are not placed in possession of all the facts necessary to enable you to express a wise and intelligent opinion. You have not been unmindful of the fact of the deep interest which the public have in all these questions. And I look to this young class—this graduating class of to-day from the Chicago Homeopathic Medical College—to illustrate the truth of this proposition: that this year is wiser than last year; that you are not merely the creatures of precedent; that to-day you know, or ought to know, more about that curious piece of mechanism known as the brain than you knew ten years ago; that you are more able to interpret it, to describe its action; and that, if you have not reached the point, you mean to reach the point where you will be able to make the solution of the question of insanity of a legal character one of degree—for you certainly will not agree with the experts of this city that, in its legal sense, four-fifths of mankind are insane. It may be—I don't know but that it is so—that of all the brains in Chicago, four-fifths are more or less diseased. I presume that is so with the livers. I have no doubt about that. I am told that four-fifths of the people in this city have catarrh, more or less. Now, so long as catarrh and the liver are not so expressly affected as to impair the general health of the men we make no special count of it; but so far as the human brain, diseased though it may be, is not sufficiently diseased as to deprive the afflicted patient of the capacity of determining between right and wrong—knowing the nature of his action and controlling his conduct—I think that he must be held responsible for it. This is a large subject, and this is why I am talking about it so long.

## CHAPTER XXXVI.

### RECEPTION OF GENERAL GRANT IN CHICAGO.

GENERAL GRANT'S RETURN FROM HIS TOUR AROUND THE WORLD—RECEPTION IN CHICAGO—THE UNION VETERAN CLUB—WELCOME BY MR. STORRS—NATIONAL RIGHTS SUBSTITUTED FOR STATE RIGHTS—POLITICAL EQUALITY OF ALL CITIZENS MUST BE SECURED, BY FORCE IF NECESSARY—JUSTICE BETTER THAN PEACE—THE OBLIGATIONS OF THE GOVERNMENT MUST BE FULFILLED—THE PRODIGAL SON IN A NEW DRESS—BANQUET OF THE ARMY OF TENNESSEE—MR. STORRS SPEAKS FOR THE PATRIOTIC PEOPLE WHO FED AND CLOTHED OUR ARMIES—CALUMET CLUB RECEPTION.

ON General Grant's return from his trip around the world, in which the highest honors were paid him in every country, he was received in America with a welcome such as had never before been accorded to any citizen, and nowhere was there a more cordial demonstration than in Chicago. For several days the thoroughfares were decorated with flags, mottoes, and emblems, and the General was the central figure at various festivities. The whole city seemed during that week to be given up to a general holiday.

A gathering of old soldiers, members of the Union Veteran Club of Chicago, assembled at M'Vicker's theatre on the morning of Thursday, the 13th of November, to give their old commander a reception. General Grant was completely taken by surprise on being brought face to face with a theatre full of veterans, and called upon for a speech. "I thought," said he, "I was merely coming here to see the place where you were to meet this evening, or some other time. I was not aware that I was going to meet so many of my old comrades." The back of the stage was occupied by a triple dais, in the centre of which, upon an elevated throne, sat the goddess of Liberty, while at her feet were clustered five little girls, who represented the Territories of the United

States. On either side of these stood two rows of young ladies, representing the various States of the Union, the State represented by each being designated by a handsome blue shield, with the name of the State in gold letters diagonally across it. The goddess of Liberty was draped in a regimental flag, and bore in her right hand the staff to which clung the tattered remains of the flag of the 21st Illinois infantry, and in her left a shield bearing the inscription, "In the name of the United States, and the Union you saved, I welcome you." On the left side were three muskets stacked, and beside them a flag whose inscription showed that it had been the standard of General Thomas' headquarters. Speeches having been made by General John A. Logan and General Grant, and "the drummer boy of the Rappahannock," the President of the club called upon Emery A. Storrs, to address the meeting; which he did in the following words:

"If there are any ladies or gentlemen present in this vast audience who, during the war, remained at home, I want their sympathy. I wish to address them as my fellow-comrades. [Laughter.] It makes one feel unanimously lonesome to sit up here among soldiers. I sympathize with those who protected their families, as I did, at my fireside. And General Grant and General Logan, having told you what they know about peace, I would like to tell you what I know about war. [Laughter.] Being a lawyer, I naturally look at things in a lawyer-like way; but it never for an instant occurred to me that you could wage a campaign by Chitty's tactics. I never wanted to see a court run either on Hardee's tactics. I supposed that battles were to be fought in a military way, and not in a legal way. I had no more idea that law-books could regulate the management of a campaign than you could determine the question of a future state by science, or the value of a fertilizer by theology. I always thought that war meant something. I never believed in a conservative battle. I never sympathized with that great constitutional General, who, when he fired his guns, fired them with a bullet that went slow, so that there could be a chance for capitulation before they reached their destination. [Laughter.] I never believed in that kind of warfare. I thought,—and now I am addressing the military branch of the audience, I thought that there was behind our armies a great, splendid, magnificent, gloriously resplendent cause. I thought you fought for it. I thought it was that cause which armed every man, which took every soldier into the field. I thought you not only fought for that cause, but against a cause; and I considered, that a surrender of your adversary which involved merely the laying down of his arms and an acceptance of the situation, without a surrender of the cause for which he fought, was a gigantic and stupendous mockery. Was I not right about it? [Applause.]

"I say you fought for a cause. I am not very emotional, and while I am not blood-thirsty on these great topics of Government, I am not sentimental. I believe that the capitulation of the Rebel armies meant something more than the capitulation of their armies. I believe that at Appomattox Court-House they laid down the doctrine of State Rights and we took it up; that they laid down this infernal doctrine of secession, and we took it up and pulverized it; that they surrendered human slavery and we took it, and I say that man is a flunkey who will give any of them back. [Applause.]

"I am not blood-thirsty, but I mean business. I don't want to see another war. And the exact way to see it is to conciliate an adversary whom you have defeated, by giving back to him the fruits of the victories you have achieved.

"I am talking to plain, rational people. I like some plain, sensible illustrations. Suppose that a couple of men were fighting about the possession of a farm. Such things have occurred. Suppose that they fought with guns, as you fought, and the man originally in possession was beaten. When he was vanquished he said: 'I accept the situation. I lay down my arms. Is there anything more you can ask. I desire to be conciliated.' The other man says: 'That is all right, but how about the farm; what I want is the farm.' [Laughter.] Isn't that exactly our position? We want what we established,—the doctrine of National instead of State sovereignty. We extirpated human slavery from every foot of the soil of the Republic. Didn't we do it? We declared that there was a centralized power which we call a nation, and by the Fourteenth Constitutional amendment we made everybody beneath the flag citizens of the United States. [Applause.] The most splendid declaration that any Government ever made since the world was made. We made some promises to our fellow-citizens in those amendments, and this is the serious question addressed to-day, and which will be addressed for the years to come, to every citizen: Shall the Nation that has power to make a promise have power to perform its engagement? I say it shall. And the doctrine of conciliation—has it ever occurred to these battle-scarred veterans that it would be an elegant thing if somebody should come and conciliate them? Has anybody, in this gush of sentiment that has pervaded and diluted our politics, ever proposed to conciliate you? We went through the war to reconstruction, and gathered into our Constitution the fruits of these great victories—solid, substantial ideas.

"We guaranteed to every citizen beneath the flag absolute political equality. Have they got it? You know they have not. Why haven't they got it? Because there is a large political organization in this country evoking the old conquered doctrine of State Rights, which declares that, although this Government has the power to make an engagement, it has not the power to execute its agreement. This promise is interfered with how? By force. How will you put it down? I say by force. These engagements are written in the organic law. May I put just this suggestion to you? Of what earthly use is a constitutional provision without an act of Congress to enforce it? Not a particle. It don't execute itself any more than a physician's prescrip-

tion executes itself; not a bit. You might as well go to your doctor, and get your prescription, and lay it on the table, and then consider that your liver would be in proper condition thereafter without taking the medicine, as to have no statute to put a constitutional provision in practice. Now, this is practical talk. This is not eloquence. These constitutional provisions contain a little clause at the end of every section: 'Congress,' it says, 'shall have power to enforce the provisions of this article by appropriate legislation.' We are very sensible people. What is appropriate legislation? That is the dividing line in our politics. Suppose the guarantee being that the citizen shall vote, and the privilege is interfered with by force, what kind of legislation would you have to execute a privilege where a privilege is denied by force? I think you should have some legislation which would call out force on the other side.

"How would you apply a remedy where a man came up and drove me away from the polls? Would you have a hymn sung, or a platform read? I would have legislation that would call for more armed men, wouldn't you? I would have gatherings of this character for furnishing the Executive with that rigidity, that everlasting stiffness of backbone, that he would stand up and say, in the presence of the living God, 'This statute shall be executed, or I will smash the whole concern.' [Laughter and applause.] We have come right to that pass now. Suppose that armies are organized to interfere with the enjoyment of these guaranteed privileges. I like to contemplate the spectacle of a great Nation making a solemn promise, and then, with a guzzling, drooling sort of helplessness, standing up before 48,000,000 of people and saying that it would create a great disturbance if we carried out our promise. I like peace. There are some things I like infinitely better. I like justice a great deal better than I like peace, and I would have everlasting and eternal uproar until I had justice. Now, wouldn't you? [Cries of "Yes."] The Almighty, my friends, don't do things always in a quiet way. [Laughter.] When we have a pestilential and malarious atmosphere that is charged all through with poison and disease, he don't send quiet, still, and stealthy agencies, but the thunderstorm, the rain, the whirlwind, and the earthquake come, and, in the conflict of the elements which follows, the air is cleansed and purified, and we breath again with safety. [Applause.] The kind of peace that this people desire is liberty, calmly and safely enjoyed. No other kind of peace do we require. I have said that this draws the dividing line. It does. There is no—I am going to talk politics now. I can't help it. This great, broad, comprehensive, National politics,—this politics that reaches from sea to sea, from one limit and boundary of the continent to the other. It is the great politics, the noblest of all human science, which asserts the equality of mankind and swears by the living God it will enforce it. May be you never heard it called so before. It ain't Democracy. It is politics. [Laughter.] Now, then, we have made these engagements. Who made them? Here is a suggestion I want you to take with you when somebody talks State-Rights to you. Take down the Fourteenth and Fifteenth Constitutional Amendments, and the more you read them the more absolutely lustrous and



splendid they become. There is no such literature on the face of the earth. Concentrated in twenty lines are the splendid guarantees that make all there is of human government,—the absolute equality of political privileges, liberties, and immunities. Not only that. This great cause of ours embodied in the Union soldiery that is here to-day,—a cause as broad as humanity itself,—declared in the organic law that no man should be interfered with in the enjoyment of his political privileges by reason of race, color, or previous condition of servitude. These engagements have been made by whom? By your State? No. By the State of Illinois, Indiana, or Wisconsin? No State has made that contract with you. It is this nation that has made it with you, and when the poorest and weakest of our citizens, driven from the polls, takes the contract that his Nation has made in his hands and goes up to this great, puissant body that I call the United States of America and says: ‘You promised that I should have full and absolute privilege in casting an unconstrained ballot, and you haven’t kept your promise,’ what is the Nation going to do about it? My friends, you had better repudiate all engagements to pay money than repudiate an engagement of that character. [Applause.] Rising right out of the ground and the soil on which we stand is the splendid, puissant spirit of our institutions,—that great, majestic form whose brow is clothed with diamonds, shining with light, and armed with a sword and a shield, taking the poor, trembling black man by the hand, with whom she has made the contract, leading him through the files of his enemies, and, with uplifted hands, saying: ‘By the eternal God, in whose interest I speak, you shall cast a ballot just exactly as I agreed.’ [Applause.]

“I feel that it is exceedingly well for us to be here. The old spirit has come over all the people. That great holy wrath that comes from trifling with a splendid generosity is aroused throughout all the land. No more can we be deceived by appeals to magnanimity until every man votes just exactly as he wants to; and, until that time is reached, the solemn consideration as to what shall be the qualifications of a clerk in the Treasury Department shall be indefinitely postponed. [Great applause and laughter.]

“I say all that this country has to give, all that grateful hearts have to render up, all that prayers, all that high and elevated devotion have to ask for, should be given to these splendid men before me to-day. They saved this nation the priceless treasure of free government among men.” [Cheers.]

In closing Mr. Storrs used his favorite illustration of the Prodigal Son, applying to General Grant and his soldier comrades, the father’s words, “All that I have is thine,” in his telling way.

General Grant spent the afternoon at the Palmer house receiving visitors, many of whom had come from the country towns of Illinois, Wisconsin and Minnesota, to see him and shake hands with him. In the evening, he was entertained at a banquet in the Palmer house by the society of the army of the Tennessee.

General Sherman presided, and speeches were made by General Grant, General Logan, Colonel William F. Vilas, General Pope, Colonel Robert G. Ingersoll, Mark Twain, and others. Mr. Storrs was called upon to respond to the following toast:

"The Patriotic People of the United States, who fed, clothed, and encouraged our Armies, and who stood by us in defeat as well as in victory." He said:

"MR. PRESIDENT AND GENTLEMEN: Splendid encomiums have been to-night pronounced upon the great commanders in a great war. Eloquent and merited tributes have been paid to the loyal soldiers of that war. Nothing has yet been said in behalf of that great body of the loyal people of this country, who were neither generals nor soldiers, but whose steadfast patriotism made the generals a possibility.

"These loyal and patriotic citizens never failed to remember, that your victories included something more than the capture of armies; that the issues at stake were vastly greater than mere questions of physical prowess or the heroism of contending armies. They never so far forgot themselves as to concede for an instant, that the cause which the armies of the Confederacy represented was, in merit, equal to the cause of the Union. The people always knew that the final success of the Confederate armies involved the dismemberment of a great Nation, the bondage of millions of human beings, and infinite peril to the success of the experiment of self-government inaugurated upon this continent. The Confederacy asserted the right of secession—its armies were defeated, and secession was surrendered with its armies. They fought for what they called the 'Sovereignty of the States,' we, for the integrity and indivisibility of the Nation. They were defeated, and they surrendered the doctrine for which they fought. They took up arms that they might hold millions of human beings as chattels—we for universal liberty and citizenship and these great results were achieved, not solely by the soldier in the field, but the steadfast and loyal citizen who remained at home shares the glory with him.

"These loyal and patriotic citizens have never yet been and are not now willing to restore to their former adversaries any one of the political heresies which they surrendered. Under no pretext of conciliation will they ever consent to re-enslave the liberated black man, to deprive him of the benefits which citizenship confers, or to re-open the questions of Secession and State Sovereignty, as opposed to the idea of a Nation. We are a Nation, and though as States we may be 'distinct like the billows,' yet, as a Nation, we are 'one like the sea.' The loyal people are careful to remember the sacred nature of the promises which, as a Nation, we have made; they know what the guaranty of an equality of political privileges to all citizens means, and while boasting that the shackles have been stricken from the wrists of four millions of slaves, they know full well that nothing has been gained if padlocks have been placed upon the lips of four millions of citizens.

"May I not speak in behalf of that great army of loyal citizens who volunteered to remain at home; who guarded the ballot-box while you carried the cartridge-box; whose ballots were as effective as your bullets? There were generals at home, as there were generals at the front; and he who encouraged the wavering, who cheered the despondent, who convinced the doubting, and so inspired the citizen that he made his convictions felt at the ballot-box; who rallied the voters when the skies were dark, and inspired them with the hope of final success, even when the tide of battle went against us, deserves to rank, and will in history rank among the worthy leaders of a great cause. [Applause.]

"The theatre of the war was not confined to the localities where armies were actually encamped, and battles fought. There was war, not merely at Vicksburg and Gettysburg, at Richmond and at Appomattox Court-House, but war also, differing in kind it is true, but war nevertheless, at Chicago and Pittsburg, at Philadelphia and New York, in every city and in every village where an arm was lifted or a voice was raised, to discourage and dishearten the Union Soldiers in the field, or to encourage and strengthen those who were in arms against them.

"Those public enemies who made war against the nation in the loyal North, were a great army, none the less dangerous because they did not carry muskets. An army of patriotic men was as essential to meet them here as were the hosts of Union Soldiers to confront the armies of the rebellion in the field. Attacks on the national honor must be met by a steady vindication of the national honor. Appeals to base motives of individual gain, must be met by stirring appeals to patriotism. Doleful predictions of disaster and defeat, must be met by high-hearted assurances of ultimate triumph. Hypocritical protestations of sympathy for the slain, must be met by exhortations to remember the sacredness of the cause in which they died. Prophecies of starvation, were belied by abundant harvests. The arts of the demagogue were overcome by the sturdy phalanx of loyal men, who knew what freedom meant and how priceless it was, and whose votes spoke for freedom. Wherever treason lurked, some loyal eye must search it out. Speech must be met by speech; argument by argument; disguised treason by outspoken and undisguised loyalty.

"Who, then, were the Soldiers in this great conflict? Not merely those who went to the field of battle, but all those as well who tilled the fields, that the soldier might not want, who comforted the mourning, who organized vast charities, and followed every battle with their sacred ministrations—who never lost faith in the future, who steadily relied and taught others to rely more upon the power and goodness of God than upon the shrewdness and dexterity of the devil, who searched out and defeated the schemes of treason, hatched in our very midst. Cannons and muskets were not the only effective weapons used. The plow and the hoe, the earnest appeal, and the enlightened argument, were equally essential and effective. The New England boy was fighting his country's battles when, with hoe in hand, he struggled to extort an unwilling harvest from the reluctant soil, that his brother at the front might be fed.

" Battles and elections acted and re-acted upon each other. The election of a loyal Governor in a closely contested State, was the sure precursor of a victory in the field, and a well-timed victory in the field carried many an election at home. Not alone to the soldier does the glory of the great triumph belong. Every single citizen who cast even the measure of his influence on the right side, is entitled to share in this common glory.

" History will inscribe, in making up her final and impartial judgments, on parallel lines, the solid heroism and sturdy sense of Grant, and the patient, long-suffering loyalty of Lincoln, the grand strategy of Sherman, and the wise counsels of Seward; the dashing and intrepid valor of Sheridan, and the devoted love of country of Richard Yates; the fiery energy and splendid generalship of Logan, and the wise statesmanship of Morton; the dauntless courage of fighting Joe Hooker, and the resolute and uncompromising patriotism and sense of justice of Zachariah Chandler. Upon these imperishable records there will be inscribed not only the names of the great leaders in the great cause, but the humblest worker in its behalf will find his name upon its pages. Bright and shining on those resplendent annals shall appear the names of those thousands of noble, heroic and self-sacrificing women, who organized and carried forward to triumphant success a colossal sanitary and charitable scheme, the like of which, in nobility of conception and perfectness of execution, the world had never before witnessed, and which carried all around the globe the fame and the name of the women of America. From camp to camp, from battle-field to battle-field, through the long and toilsome march, by day and by night, these sacred charities followed, and the prayers of the devoted and the true were ceaselessly with you. Leagues and leagues separated you from home, but the blessings there invoked upon you, hovered over and around you, and sweetened your sleep like angel's visits.

" While the boy soldier slept by his camp fire at night and dreaming of home, and what his valor would achieve for his country, uttered even in his dreams prayers for the loved ones who had made that home so dear to him, the mother dreaming of her son breathed at the same time prayers for his safety and for the triumph of his cause. The prayers and blessings of mother and son, borne heavenward, met in the bosom of their common God and Father.

" An unjust war is a crime, but peace purchased at the price of national honor and integrity is a greater crime. The peace to which we aspire is 'liberty calmly enjoyed.' Injustice is not peace. A dismembered nation is not peace. From such a contest as that through which we have passed are developed the grandest and noblest of human characters. Great thoughts are to be ranked with great deeds, and always precede them. The smoke-grimed and battle-scarred banners of the Army of the Tennessee are radiant with glory, and lustrous as shining planets, for the great cause in which they were unfurled has made them so. Every battle which you fought, and every victory which you achieved, was the expression of the great thoughts of self-government, political equality, and national integrity. Behind our armies were countless herds, and all the harvests of the North.

Behind them, and moving as the armies moved, were its great sanitary stores, its inexhaustible wealth, its dauntless spirit, its lofty love of country, its millions of patriotic men and women; floating over all, our country's flag, which symbolized all that was sacred and lofty in human government, and every breeze that unfurled its ample folds, carried the glorious message that no foot of soil over which it waved, should be pressed by the foot of a slave.

"The inevitable end came, the triumph of right over wrong, of justice over injustice, and the rebellion fell in utter wreck, with a resounding crash that was heard by all nations. The great cause of the Union, with spotless robes with shining face and majestic form, came forth to meet and receive the surrender of her adversary. From murky battle-cloud, from stifling slave-pen, the dark spirit of secession and slavery emerged; her garments stained with the blood of the slave, her brow in gloom, the lust of power and pride of empire in her eyes. Forth she came, and prostrating herself before the majestic presence in which she stood, surrendered herself, the guilty cause of a wicked rebellion." [Prolonged applause.]

The clubs of Chicago extended their hospitality to General Grant, and the Calumet club, of which Mr. Storrs was a member, gave him a brilliant reception. A prominent feature of the decorations of the reception hall was an address of welcome, beautifully painted on white satin in old English text. The idea of presenting such a testimonial to General Grant was first suggested by Mr. Storrs. By common consent, he was entrusted with the duty of composing the address, and it was a model of its kind. The *Chicago Tribune* very justly said of it,—“There was no flat adulation, no fulsome, meaningless expression used; simply a plain statement of patriotic facts, clothed in the utmost brevity and simplicity imaginable. There was not a word too much, nor a word too little.”



## CHAPTER XXXVII.

### A TRIP TO DEADWOOD.

PROPOSITION TO NOMINATE MR. STORRS FOR CONGRESS—COMMENT OF THE PRESS—LETTER TO HON. WILLIAM ALDRICH—A PROFESSIONAL TRIP TO THE BLACK HILLS—DISCOMFORTS OF THE JOURNEY—HIS IMPRESSIONS OF DEADWOOD—TRIAL OF COUNTY OFFICIALS FOR EMBEZZLEMENT—MINING INTERESTS OF DAKOTA—INVITATIONS TO TAKE PART IN THE CAMPAIGN.

EARLY in the year 1880, and before the assembling of the county conventions, there was talk of nominating Mr. Storrs for Congress as representative of the First district, then represented by Hon. William Aldrich. The *Chicago Times*, said:

"The popular choice among Republicans for this important office is Mr. Emery A. Storrs. His widespread reputation as an orator, and the consciousness that, on the floor of the House, he would reflect credit on his constituency, give him a strength that no other candidate of Republican proclivities can hope to equal. The gentleman himself is not desirous of running, but such pressure may be brought to bear upon him that he will be compelled to enter the list, especially since the Republicans feel that they must place their strongest man in the field. Chicago has not sent a brilliant speaker to Congress for many years. Carter Harrison was the nearest approach to an orator that hailed from here since the days of Douglas.

"It would be superfluous to give a sketch of Mr. Storrs. His reputation is national as an orator and a lawyer; and in the walks of statesmanship, his admirers claim, he would shine with unsurpassed lustre. He has been already sounded on the subject, but declines to commit himself further than to declare he is at the service of the Republican party."

Mr. Aldrich wrote to him offering to retire in his favor; and Mr. Storrs replied as follows:

"April 12th, 1880.

"MY DEAR SIR:

. . . "As to the congressional branch of your letter, I have this to say, that under no conceivable circumstances can I be a candidate for nomination for Congress. I have so stated repeatedly to every person making the inquiry of me, and have seen no reason to change my first decision; and my resolution in that respect may be regarded as fixed and unalterable. I go still further. I could not, and would not, accept the nomination if tendered me by the convention. This I have also repeatedly stated.

"I am very much obliged for your kind suggestion, and am flattered by the statement that you would support me. I am not unmindful of the compliment which would be conveyed. I know of no constituency anywhere in this country which a man should be prouder to represent; but my professional obligations are of such a character that I could not, without grossly neglecting them, withdraw myself for the length of time which the discharge of the duties of a Congressman would necessarily involve. In short, it is absolutely out of the question. . . .

"I see no reason why William Aldrich should not be continued. I hear no complaints, worthy of the name of complaints, made of him. He is a good Republican, a man of excellent good sense, perfect integrity, and in all things a gentleman. I am for him against the field; and when you see him, say so to him."

Immediately after the close of the National Convention, he had to go on a trip to the Black Hills. His visit was of a purely professional character, the business which took him there involving questions of title to certain mining property. As soon as he returned he was interviewed by a reporter, and in his accustomed genial way, responded. "When he left," says the reporter, "he anticipated very little, if any, pleasure from the trip, but a more enthusiastic Black Hiller probably never returned from the four-year-old wonder of modern civilization."

"Every one, I suppose," said he, "is familiar with that great stretch of country between St. Paul and Bismarck, the famous Red River country with its vast wheat-fields. It seemed to me to be one limitless, boundless plain of wheat as I looked upon it. Bismarck is a very active pioneer place, the natural scenery around it is very beautiful, but in the trip to Deadwood and the Black Hills the trouble begins at Bismarck. Those coaches are built for use, and, not for ornament; and, while no complaint can be made of the management of the stage-line, and great attention is paid to securing, not the comfort of the passenger, because that is impossible, but to reduce the discomforts, yet it is a terribly tedious trip. The distance between Bismarck and Deadwood is about 250 miles. This is ordinarily made in about fifty hours, traveling day and night. Changes of horses are made about every fifteen miles. After leaving Fort Lincoln all that great stretch of country between that point and Fort Meade seemed

to me an utter desolation, although gentlemen who were with me said that a large portion of it would be good wheat country. But the mosquitoes are countless. There are simply millions of them. They are not in spots, but all the way between those two points, say about 200 miles. It was impossible to travel without nets over the head and face. The Dakota mosquito is about the same size as the New Jersey type, but more voracious, and, vindictive. Aside from the stations, which are ordinarily sod huts, where our horses were changed and we took our meals, there isn't a human habitation between Fort Lincoln and Belleforche,—not a cat, nor a dog, nor sheep, nor any sign of any living thing with which civilization is acquainted,—nothing but a dreary plain, with mosquitoes and prairie-dogs, and alkali water, and antelope, with now and then the skeleton of some poor mule. Common prudence requires you to carry water such as you will need for drinking. Reaching Belleforche, however, matters began to change, and for the better. Fort Meade, which is about thirty miles from Deadwood, is situated in one of the loveliest valleys in the world. The scenery there and all about it is surpassingly beautiful, and from there forward no complaint can be made. Fresher, greener, lovelier valleys were never seen. There is a great abundance of pure, clear, cold water in the swift-running streams. The Black Hills, most unfortunately named, because the name conveys an erroneous impression of their character, heavily wooded as they are, is as fine an agricultural country as can be found anywhere. In the valleys enough wheat may be raised to supply the wants of the community. That portion of the country, I think, would surprise every one with its beauty and its fertility. It certainly did me. The hills are beautiful in form and in grouping, the valleys fresh and green, and everything bears the marks of prosperity.

"We reached Deadwood, by riding over what is there modestly called a hill, but which we would call a mountain. The scenery is certainly terrifying enough to satisfy any one. We found the village of Deadwood in a narrow gulch. Utterly destroyed last September by fire, we found it entirely rebuilt, its streets thronged, substantial business blocks on its main thoroughfare, and charming residences on its hillsides. Everywhere were seen the evidences of established business prosperity. Of course all these things are quite remarkable when it is considered that about four years ago this entire country was in the hand of the Indian. The Merchants' Hotel would rank well anywhere. The business houses are well built, and present a very attractive appearance. There are several brick blocks, with a great many frame buildings.

"To me the most astonishing feature of the suddenness with which our citizens drop into regularly organized government was the appearance of their courts. Everything was quiet, orderly, and decorous. Looking about over the Bar, it seemed to me very much like Chicago. While there, they were trying several of their county officials under indictments for plundering the public funds, and seemed determined that they should not escape under any technical pleas.

"Everything seemed to be well-ordered, regular, and stable. One would look in vain for any of the expected indications of pioneer life. There was no violence in the street, business seemed to be running along regularly, and, prosperously. In the immediate vicinity of Deadwood are two thriving mining cities, known as Lead City and Central City. The drive to each of these places is a very charming one, and their surroundings as romantic as possible. In the immediate vicinity of Central City is the famous Father de Smet Mine. At Lead City are the Homestake No. 1 and Homestake No. 2. These two mines, with others, the Golden Terra, for example, are the property of a very wealthy combination of Californians, and are operated in a manner that has reduced the cost of the actual production of the gold itself to the smallest possible result. Immense stamping-mills are erected there. There has been no effort to bull these mines. Indeed, there seems to have been a steady effort by their friends rather to depreciate them. The mines themselves seem to be exhaustless, and, while the ore is of a low grade, yet it is not in pockets, but comprises practically an entire mountain, or series of hills, and is handled so cheaply that the net profits of the business are immense. There are bright, enterprising daily papers published in Deadwood. There are fifty to sixty lawyers there, several churches, and a regular family life. Most of the leading men have their families with them. I found among the people of Deadwood as zealous and interesting politics as in any other portion of the country I have ever visited."

He found on his return home a letter awaiting him from Hon. George K. Nash, chairman of the Republican State Committee of Ohio, inviting him to address some political meeting in that State. The Governor of the State, Hon. Charles Foster, had previously written him to the same effect. Invitations to address political meetings poured in upon him at the same time from Hon. John C. New, chairman of the Indiana State Committee, and from various towns in western Illinois, Iowa, and Nebraska, as soon as his intention to speak at Burlington was known. He was also invited by the Illinois State Committee to address several meetings in his own State. The chairman of the Vermont State Committee also wrote to him in urgent terms. He said:—"We propose to render the present Presidential campaign the most aggressive, thorough, and decisive that our people have ever witnessed. There is a very general desire among our people that an invitation be extended to you to visit Vermont during the month of August, and render us such service as you may find it convenient." He accepted the invitations from Ohio, Indiana, and Vermont, but it would have been a sheer physical impossi-

bility for him to have attended at one-third of the places from which he received anxious calls for assistance.

The proposition to nominate him for Congress was renewed during his absence at Deadwood, and this time the pressure seems to have been sufficient to induce him to allow his name to be used as a candidate. He thus announced the fact to Mr. Aldrich:

"July 24, 1880.

"HON. WILLIAM ALDRICH.

"MY DEAR SIR: Some days since I told you that under no circumstances would I be a candidate for Congress. Since then, however, I have been induced to revise my decision, and am after a fashion a candidate. I have said to some of my friends that they might use my name; that if nominated I would stand, and make the best canvass I knew how. I think it but fair, so pleasant have our relations always been, that I should say this much to you.

"Yours very truly,

"EMERY A STORRS."

The Chicago *Times*, in announcing Mr. Storrs as a candidate, said: "Probably the most important political occurrence of yesterday, in a local or even a broader than local sense, was the agreement of Emery A. Storrs to permit the use of his name before the congressional convention in the First district. For a long time past Mr. Storrs has been urged to make this canvass. Up to yesterday he had firmly and even peremptorily declined. Within a few days a very strong pressure has been brought to bear upon him from quarters where he had reason to expect opposition. After several long consultations held since Monday morning, and after he had been visited by representatives of many leading business interests, Mr. Storrs yielded, upon condition that he would not be asked to take any active part in the matter. He is about to leave the city for the summer. In September he must be in California to meet a professional engagement. Later he has engagements in New York, Indiana, and Ohio. . . The prospect is that Mr. Storrs will have a clear field. His personal popularity in the district is very great. His candidature will be favored by almost every important interest in the city, and no other gentleman mentioned in connection with the place will offer any serious obstacle to his nomination.

His nomination and election are therefore regarded as foregone conclusions. It was a subject of general satisfaction, when the fact became known, that Chicago is at last to have adequate



representation in something more than a merely commercial sense."

A correspondent of the *Tribune* said:

"The city press has made allusion to Emery A. Storrs as a probable candidate for Congress in the First district in the coming fall election. If this is so, the people of this great and rapidly growing city should be congratulated upon their good fortune. After all, material is scarce—for first class Congressmen. A real live man of genius, a scholar, an orator, a man, indeed, of national reputation as a lawyer and forensic pleader second to none, a man whose services are in request from the great corporations and business men of the land,—to secure such an one for the position of Congressman is rare good fortune. We may well marvel that a professional man, upon whose time a constant demand is made at vastly superior pay and emoluments to that of Congressman, should be self-sacrificing enough to permit the use of his name for such a position. Here is an instance where the office ought to seek the man, and do it in such a royal way as to make it, in a sense, obligatory upon him to accept.

"Here is a gentleman who stands alone among lawyers and orators in the great Northwest, who is the pride of a whole city, the admired even of his enemies; a man of the world and of society, a Chesterfield in suavity, a knight before the fair, a man who has not, nor does not assume a false dignity, for he possesses the dignity of a great intellect that needs no bolstering by any of the pretty artifices of the demagogue or the charlatan. No parliamentary law point would ever catch him 'off his feet' or out of breath. No plausible 'rider' could ever be tacked on to a bill which he engineered. No sudden debate could find him unprepared. Alert, active, quick as a flash, without a trace of dogmatism or buffoonery, with a wealth of epigram, for which he has a national reputation, a courtly manner, ready wit, polished and elegant yet vigorous and forcible in language, having a wide acquaintance with public men, an encyclopædia on matters of current and ancient history, a man thoroughly versed in the science of law and of government. He should be nominated by acclamation. There should be no contest allowed if he can be induced to let his name be used for that position. He would be among the very few men in Congress whose names glitter as stars of the first magnitude."

All this negotiation, however, came to nothing. It does not appear that Mr. Storrs' name was ever presented to the district convention. His avowed reluctance to enter Congress at the sacrifice of a valuable and daily increasing professional practice may have induced another change of mind before the convention met. It was no secret, moreover, that Mr. Storrs' ambition was in another direction, and that he had good reason to expect a Cabinet position. This was the last that was heard of him as a candidate for Congress.

## CHAPTER XXXVIII.

### DISRUPTION OF THE REPUBLICAN PARTY IN ILLINOIS.

PREPARATIONS FOR THE CAMPAIGN OF 1880—ORGANIZATION OF THE FRIENDS OF GENERAL GRANT—LETTER OF MR. STORRS ON "OUR SOUTHERN FELLOW-CITIZENS"—CORRESPONDENCE WITH HON. E. B. WASHBURNE—CORRESPONDENCE ON THE POLITICAL SITUATION—MR. STORRS' TRIBUTE TO THE OLD COMMANDER—"THE INDEPENDENT SCRATCHER," AND HIS RECORD—DEFECTION OF MR. WASHBURNE—TWO RIVAL COUNTY CONVENTIONS HELD IN CHICAGO—MR. FARWELL'S RELIANCE ON LUNGS AND VERTEBRÆ—THE ILLINOIS STATE CONVENTION—A FACTION FIGHT—ARGUMENT OF MR. STORRS ON BEHALF OF THE GRANT DELEGATES—MR. WASHBURNE DISCLAIMS DISLOYALTY TO GENERAL GRANT—THE STRUGGLE IN THE NATIONAL CONVENTION—THE BOLTERS WIN.

THE country had become tired of the uncertain policy of President Hayes administration, and many friends of the Union were turning once more to the great, silent soldier, to lead them on against the encroachments of the rebel Democracy. The situation seemed so full of peril to the national life and honor that to most thinking Republicans there was but one way out of the difficulty; no other way but to elect the "still, strong man," who had been tried and found faithful, to call him once more to that place in the councils of the nation which he had filled so well, and to trust him once more in an emergency which to some looked almost as threatening as in the days before the outbreak of the rebellion. Now that the lately rebellious South had been beaten in the field, Mr. Storrs would have had the government dictate terms to them as to a conquered minority; and it was with a disgust which he made no attempt to conceal that he saw the fruits of the Union victories in the field gradually being snatched away through the weakness of the men who were now at the helm of the ship of state. The mischief begun under Johnson was being completed under

Hayes, and the rebel Brigadiers were again in Congress, threatening to undo all the legislation which had been enacted for the purpose of enforcing the constitutional amendments. In this emergency, the friends of General Grant were organizing in New York, and other Northern States, and Mr. Storrs and other stalwart Republicans were anxious to perfect a similar organization in Illinois. A campaign paper, called *The Stalwart*, had been established in Springfield on the first of January, 1880, and in acknowledging receipt of a copy of the first number Mr. Storrs wrote to the editor as follows:

"I received this morning the first number of *The Stalwart*, and should have written something for it had it been possible for me to find the time I put my general views in as compact form as I could command in a speech made to the soldiers at M'Vicker's theatre during the Grant boom here. But I do wish to say a few words on the topic 'Our fellow citizens of the South.' I am anxious to press the inquiry whether the 'niggers' and the 'carpet-baggers' are not quite as much our fellow-citizens as the bulldozer and the unregenerate brigadier. I am a little tired of the 'fellow citizen' twaddle, and will take an early occasion to give you an article on that point,—and it is the vital point"

In February, being obliged to go East on a mission in relation to the tariff on steel rails, Mr. Storrs addressed a letter to his friend the Hon. Elihu B. Washburne on the political situation. He still confided implicitly in Mr. Washburne's fidelity to General Grant; but remembering that he himself had been one of the first to put the "Presidential bee" in Mr. Washburne's bonnet, he discussed Mr. Washburne's chances with manly frankness and candor. The "independent scratcher," the offspring of the "liberal" of 1872 and the progenitor of the "mugwump" of 1884, was again a factor in Republican politics. The heterogeneous class to which this type of politician belonged had begun a movement in Chicago to select a candidate for the Presidency on the old plan of "anybody to beat Grant." Mr. Storrs gives Mr. Washburne his opinion of them:

"CHICAGO, February 22, 1880.

"MY DEAR MR. WASHBURNE,

"I have to start for Philadelphia to-night on a very unexpected and a very sudden call, and shall not be back on the 25th. This I regret exceedingly, and had it been possible to have postponed my business at Philadelphia until after the meeting of the State Committee here, I should certainly have done so.

"It is of the utmost importance, in my judgment, that before this Committee, and to it, there should be a full and fearless analysis of the antecedents of the gentlemen who are moving against General Grant. It is a fact worthy of observation that the gentlemen who first met at the Tremont house on this mission were among themselves unable to agree upon a candidate whom they could name in his place. Some were for you, some for Blaine, and others for somebody else. I think that the counsel of a class of men who are unable to agree on anything except their antipathies, and have no harmony of view except in their dislikes, who agree upon nothing but opposition, and are unable to agree upon any affirmative line of policy, is not of a character which would be likely to influence our State Committee, nor of a kind very desirable for the regulation of the policy of a great party. So far as the movement in your behalf is concerned, you can settle that. If you are nominated for President, it will not be because you are opposed to General Grant, nor will it be because your friends are opposed to General Grant; but it will be because we are all in favor of General Grant.

"Moreover, many of these gentlemen were 'liberals,' and large numbers of them have voted the Republican ticket only on those occasions when it suited their convenience. Many of them, whom I might name, have been industrious only in seeking to impair the influence of the great leaders of the party, in criticising the party itself, and in recklessly throwing away the fruits of all the victories which the party has achieved. The majority of them were the original 'conciliators,' with whom, I am satisfied, the mass of the Republican party in this country has no patience whatever.

"I shall probably be back Thursday or Friday, and shall be very glad to see you very soon after my return.

"Very respectfully yours,

"Hon. Elihu B. Washburne.

"EMERY A. STORRS."

Three letters, written by him at this time, throw a strong light upon the political situation in Illinois as viewed from the stalwart standpoint. They are all dated the 9th of March, 1880. The first is to Hon. J. K. Edsall, Attorney General of the State of Illinois, enclosing a stipulation as to time for filing arguments in a case involving the question of the constitutionality of the game laws of Illinois. He says:

"On the face of it this is not much of a case, but the lovers of good shooting, and the lovers of good eating, and that great outlying party who love neither, but who love the constitution, are profoundly interested in the result. You are as well aware as I am that the independent scratcher, the reformer, the Young Men's Republican Club of Boston, and the conservative in politics, have no stomach nor digestion, but a great, big, vague, shadowy, impracticable and unmanageable conscience,—a conscience so curiously adjusted that it will burst the Union to save the constitution. God bless all such asses, and bless God that there are so few of them.

"Ever thine, EMERY A. STORRS."

To a friend in Pittsburg he wrote, on the same date:

"The course which Blaine's friends are pursuing in this State is doing him no good. They are making their warfare on General Grant a personal one, and that little mob known as the independent scratchers, at a small meeting which they had at the Tremont House, in this city, were unable to agree upon anything affirmative, could not decide whom they were for, and simply knew whom they were against. Such an emasculated lot of statesmen, who cannot agree to like any one man, but find some one so inevitably their superior that they are unanimous in hating him, cannot be very effective, I think, in politics.

"I see that the young Republicans in Boston have been and gone and done it. They recommend as a ticket Hayes and Chamberlain. Governor Chamberlain of Maine is all right, but I am satisfied that the people of this country have had enough of limber-backed politicians, and hereafter want a President of the United States who has for backbone something more substantial than a rubber string.

"I am studiously avoiding the abuse of anybody liable to be nominated. I have a pretty good appetite, but do of all things dislike eating my own conversation. It is the most indigestible food in this world. Some people like it because they are used to it; I don't like it, and never shall."

While in Philadelphia he enjoyed for a few brief hours the society of his friend, the Hon. Benjamin Harris Brewster, afterwards Attorney-General of the United States. To him he writes:

"MY DEAR MR. BREWSTER,—I received your very pleasant note a few days since. Very soon after my return home I wrote you, enclosing a copy of my address to the Irish Republican club of this city. That address played the devil among the Democratic Irishmen, and large and noisy preparations were made for what they call a reply. Several office-seeking and office-holding Irishmen are advertised to reply to me, and our acrobatic Mayor, who succeeded in making himself the laughing stock of Congress for two sessions, and has succeeded equally well, as Mayor of the city of Chicago, in making himself the laughing stock of the public here,—who, to express his veneration for the Irish, stated to them sometime since that he proposed to marry his daughter to an Irishman,—is also anxious to join in the business of replying.

"With regard to the office-seeking and office-holding Irishmen, ambitious thus to distinguish themselves, I shall have but a word to say. I know why *they* vote the Democratic ticket. The reason for their course lies on the surface. They vote it because they want office and see no other way to get it. But solving the difficulty as to them is very far from a solution of the question as to the millions of Irishmen throughout the country, working men, who are not seeking office, and who would have no chance to get it if they were. I shall probably pay my respects to these gentlemen in due season, and if I do, shall of course send you what I have to say by way of rejoinder.

"I note what you say about Grant and Washburne, and had with Mr.



Washburne a long and very pleasant interview on Saturday, telling him about our delightful ride to Fairmount Park and the chat we had going, coming, and resting. I shall not soon forget it, and Mr. Washburne was very much gratified to hear the very pleasant things that you had said of him and of his great leader General Grant. Now, Mr. Washburne is as unanimously, as positively for Grant, as I am. In a letter to some of his friends in the northern part of this State, who are anxious to organize a Washburne club, he said: 'I am for General Grant, first, last, all the time.'

"The contingency of Washburne being a candidate cannot arise, nor will he permit it to arise so long as General Grant remains in the field. If I go to that Convention, I shall go for Grant. I shall have no second choice and no other choice. I shall go precisely as Washburne would go, but if the Fates so fix it that General Grant cannot be nominated, I shall then act as the situation requires; and when I am compelled to select some other candidate that other candidate will not be Blaine, nor Sherman, nor Edmunds, but will be Washburne. He is not now my second choice. Under such contingency as I have named, he will be my first choice.

"The campaign against General Grant, in the manner in which it is being waged in this State, has, I am sure, given him strength. It is not a decent nor an honest warfare, and it will contribute nothing to the strength of Mr. Blaine, for when it comes to a comparison of characters, and when we come to determine the question whether Grant or Blaine may be the most easily defended, all the defence required for General Grant is to say that the slanders against him are stale and worn out; that since he left office, his has been a continual growth; he has grown through the mists and the clouds of defamation, and while those fogs may envelope his feet, his head is in the sunshine. Clouds and mists gather around the base of the mountain, but the summit is away above storm and cloud,—is in brightness itself.\*

"I do most sincerely hope that you may be here during the Convention. I hope, and my wife joins me in the hope, that Mrs. Brewster may accompany you, and we will try to make your stay here so pleasant that you will be constrained to come again."

Mr. Storrs again wrote to Mr. Washburne, who was staying at the Hot Springs, Arkansas, for the benefit of his health, as follows:

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\* This letter is one of the rare instances of unconscious assimilation and reproduction on Mr. Storrs' part of a figure familiar to every reader. He evidently had in mind the beautiful lines which Dr. Johnson contributed to Goldsmith's "Deserted Village:"

"As some tall cliff that lifts its awful form  
Swell from the vale, and midway leaves the storm,  
Though round its breast the rolling clouds are spread,  
Eternal sunshine settles on its head."

Yet he has paraphrased them so well, and applied the illustration so happily to General Grant's political career, that he may be said to have fairly made it his own.

"April 6, 1880.

"MY DEAR MR. WASHBURNE: Unless I am very greatly mistaken, the work of organizing General Grant's friends in this State ought not to be delayed another day. We are going to have pleasant weather here now. Don't you think you have had enough of Hot Springs? I am merely a *private*, and not a very high one at that. I am looking for an officer to take orders from, and so are thousands of others in this State.

"Yours very truly,

"EMERY A. STORRS.

"Hon. E. B. Washburne, Hot Springs."

He wrote the same day to Senator Logan:

"MY DEAR SENATOR: . . Can you tell me why there is no organization of General Grant's friends in this State? I think the time has come for us to be doing something, and doing that something thoroughly. Am I not right about this?"

On the 9th, Mr. Storrs wrote a jubilant note to General Stewart L. Woodford of New York, announcing the event:

"April 9, 1880.

"MY DEAR GENERAL:

"Look out for a renewal of the Grant boom in this city next week, which will, I think, put an end to all doubts in all quarters as to the attitude of this State. We shall probably have next week one of the finest demonstrations for General Grant that have ever been had anywhere for anybody. How about the Vice Presidency?"

The meeting in Central Music Hall was admitted, even by the Blaine organs, to have been a triumphant success. It was presided over by Mr. Robert T. Lincoln. One Blaine paper said of it: "Viewed from the stage, the scene was a brilliant one. The attendance of ladies was quite large. Many of the best seats in the dress circle and first balcony, and all those in the private boxes, were occupied by the fair sex, who were attentive listeners, and waved their handkerchiefs and clapped their hands at the mention of their particular presidential candidate." General Logan made the first speech, and ably answered the ingenious objections which had been trumped up by the Blaine men against the nomination of General Grant. He reminded the audience that Grant's personal integrity was unquestioned; that if he had made mistakes in the appointment of some of his civil officers, he would not be so liable to repeat them as the man who had never been tested and never had an opportunity to make mistakes; and that there was no constitutional bar to

prevent the people from trusting him with the highest office of the republic once again, as they had trusted him when the life of the nation was in peril. It was not a question of the term but of the man. Sometimes the American people had elected a President but once, because they did not want him a second time; sometimes they did not elect the man at all, because they did not even want him for a first term. There was but one living man who could break the "solid South," and that man was U. S. Grant. He had already beaten them in the field; and every soldier, every soldier's widow, every soldier's orphan, knew Grant's plume. The last objection which he noticed was the cry of Cæsarism; and that pitiful sophism he tore to shreds, with a few plain, honest words. Mr. Storrs was next called upon, and spoke as follows:

"I can say without the slightest degree of extravagance that it has never been the fortune of any man to face, on a political occasion, an audience more splendid in enthusiasm, grander in its tone and quality, than the vast assemblage gathered here to-night. It is an audience called together on no common occasion and assembled for no ordinary purpose. It is an audience of the leading men and women of the chiefest city of the great Northwest. It is an audience gathered together here in an emergency to protect the fair escutcheon of the great State of Illinois from an impending stab of dishonor, and, God knows, it will protect it. It is an audience gathered to celebrate the praises of no common man, an audience met from all over this State, merely to testify what all the world has testified, that we have in our midst the chiefest citizen of the world. And the broad-browed men of Chicago that have, within the period of nine years, lifted it from ashes and made it the proudest city of the world, seated like a queen enthroned by the shore of her great lake, have no apologies to offer because they are here to-night demanding the nomination of U. S. Grant. The city of Chicago, Mr. Chairman, never begged a favor; it never won a fight that it didn't win in front, and it never yet trembled in the presence of an adversary. The city of Chicago is a great Republican city; it is the imperial city of the carpet-bagger who has carved out in this Western world, within the period of twenty-five years, an empire the most splendid that the sun in all his course shines upon, an empire of the light of which the independent scratcher never dreamed. [Great applause.]

"Who is this man that has called this vast audience together, utterly untitled, who holds no office, who wields no patronage, who manages no bureau? He is a great, majestic prince, enthroned in the hearts of 48,000,000 of people. He reigns there by their suffrages; and this side the Plutonian region of Democracy, this side the Purgatorial region of the half-way house of independentism, there is no man to molest or make him afraid. I speak to-night not alone of this hero. I cannot speak for this great citizen

without speaking of the Republican party. From boyhood up to manhood I have been and am a member of that party, stalwart at the outset and stalwart now, perpendicular as a ramrod, believing in its faith in the innermost recesses of my soul, never doubting that from its birth down to this hour its supremacy has been absolutely essential to the well-being of this country. I talk, then, of that grand old party; I talk of its grand leader, as grand as the party and as great. I can say, that when I look back on our history I can discern a great party which has for a quarter of a century preserved its identity; a party often depressed, never extinguished; a party which, though often tainted with the faults of the age, has always been in advance of the age; a party which, though guilty of some errors, has the glory of having established our liberties on a firm foundation; and of that party I am proud to be a member. It was that party which, at the very threshold of its career, confronted the shameful doctrine that freedom was sectional and slavery was national, rescued the Territories from the grasp of slavery, and dedicated them forever after to freedom—to free men, free thought, and free speech. It is that party which, in vindication of its ideas of freedom, elected Lincoln President of the United States; which found treason in every department of the government; which found its fleet scattered over every sea; its arsenals plundered, its forts in the hands of traitors, its little army shivered to fragments; which found every branch of the public service paralyzed, the national flag dishonored even when flying over its own forts; which found hostile armies arrayed against it; which, compelled to appeal to the patriotism of the people for national salvation, made the appeal; which met an armed rebellion vast in extent and malignant in spirit; which saved this nation to be the custodian of free government among men. It is that party which, true to the great cause which it represented, made the promise of freedom to the slave and kept that promise good. It is that party which, when the war for national preservation closed in victory, declared that forever after slavery should be extirpated from the soil of the republic; which declared that all persons born beneath the flag, or naturalized here, should be citizens; which guaranteed to all citizens equality of civil and political privileges; which placed beyond the possibility of repudiation our national debt, and made firm and secure the national credit. It is that party which has restored our currency, and made every paper dollar in the pockets of the laboring man worth one hundred cents. It is that party which compelled the British Government to pay to our own people millions of money, for damages inflicted upon our commerce by rebel cruisers fitted out in their ports. It is that party which by wise legislation has sought the execution of all our constitutional guarantees to the citizen, the purity of the ballot-box, and the protection of the polls against violence, terrorism, and fraud. It is that party which has ranked among its leaders the purest patriotism, the stanchest courage, the wisest thought, the best culture, and the loftiest statesmanship of the nation, and among its rank and file that solid citizenship which demands just and honest government, and will be satisfied with nothing less. I look with pride on all that the Republican party has done for the cause of human freedom. I see it now hard pressed,

struggling with difficulties, but still fighting the good fight. At its head I see men who have inherited the spirit and the virtues, as well as the blood, of the old champions and martyrs of freedom. I see presiding here to-night the only living son and descendant of Abraham Lincoln, whose name and whose memory are enshrined in every patriotic heart. I see here to-night the son of that great patriot statesman, Stephen A. Douglas, who, when treason raised its hands, cast party to the winds, stood like a rock for the Union, and died with patriotic words upon his lips. I look at the call in obedience to which this magnificent audience is assembled, and see at its head a name which we all delight to honor; one steadfast and ever reliable as a legislator, wise in counsel, prompt in action, earnest in opinion, dauntless in courage, incorruptible in integrity; who for nearly twenty years maintained the honor of our State in the councils of the nation, always speaking for freedom; who for eight years dignified and honored the American name and character abroad, and who, as Minister to France, during the terrible siege of Paris, when every other foreign representative had fled, remained faithful at his post, gathering in safety under his country's flag the citizens of every land who sought the protection of its sheltering folds—Elihu B. Washburne. To the same call I see the name of the peerless soldier, the ever-faithful Republican, the true man, the firm friend, the stalwart Senator, the smiter of treason,—John A. Logan. The last words of the great Michigan Senator, Chandler, patriotic and eloquent words, uttered the language of this call, and declared, with Lincoln and Douglas and Logan and Washburne, that he, too, believed that the success of the Republican party would be best promoted by the nomination and election of Ulysses S. Grant as President of the United States. The millions of oppressed, bullied, and terrorized Republicans of the South, white and black, speak the same sentiment. To this party—to these men—I propose to attach myself; and, while one shred of the old banner is left flying, by that banner will I at least be found.

“I confess that I am not independent of these considerations. I have not scaled, and shall not attempt to scale, those dizzy heights from which I could look down upon them. I am content to remain in the valleys, where I find such company as I have named, rather than to seek those drearier and colder, if loftier, mountain peaks to which that select few aspire who profess to see in the nomination and election of General Grant as President of the United States dangers which the wisdom of the country is not able to perceive. Who am I, to threaten that wisdom, patriotism, experience, and intelligence, that unless it surrenders its opinions for mine I will refuse obedience to orders, and bolt the ticket? This colossal egotism is called ‘independence.’ The man who parades it is known as the ‘independent scratcher,’ independent of the party to which he belongs save when the minority to which he is attached can rule; whose ticket he votes, whose principles he condescendingly espouses, and whose candidates he patronizingly supports at spasmodic intervals, the recurrence of which it is given to no one to foretell. I do not include among the ‘independent scratchers’ those true Republicans who honestly prefer the nomination by the forth-coming



National Republican Convention of some other candidate than General Grant. Those true and earnest Republicans who prefer either Mr. Washburne, or Mr. Sherman, or Mr. Blaine, or Mr. Edmunds will surely find the claims of their favorites fairly considered by that convention, and will as surely support its nominee as I am sure to support him, not haltingly, and unwillingly, but with whole soul and in dead earnest. The friends of General Grant do not bolt, and they neither boast nor threaten; but they do better—they succeed. The ‘independent scratcher’ is either that ambitious young man very proud of knowing what older and wiser men have found it convenient to forget, or that ambitious man of any age who, itching for notoriety, must find some one more distinguished and greater than himself to scratch.

“In 1864 the ‘independent scratcher’ in the State of Illinois engaged in a scheme to force the withdrawal of Abraham Lincoln, and attempted to carry through our State convention at Springfield a resolution condemning Lincoln and his administration. The outraged patriotism and good sense of the people, the dangers of insurrection in our very midst, frightened the ‘independent scratcher’ back into the ranks which he attempted to desert.

“In 1872 the ‘independent scratchers,’ wretchedly in the minority, organized a free-trade and revenue reform party at Cincinnati, but at its head the most rabid and ultra protectionist, and the bitterest hater of the Democratic party on earth, and in a body melted into the Democratic fold. [Laughter.] The combination was terribly beaten. Many of them returned to us in 1876, and we were well nigh defeated; and but for the fact that there was then at the head of the government a man with whom no one could either trifle or trade, surrounded by a Cabinet inspired by his own courage and patriotism, the nation would have been involved in another rebellion. From this coalition thousands of honest, earnest, but deceived, Republicans have withdrawn themselves. They have by years of faithful service expiated their offense. They are with us now. They are here to-night, and after having once tested the bitter fruits of bolting experience, they are comfortably back in the old mansion, feeling ‘themselves again,’ and determined to never wander more.

“General Grant is to-day, and has been for the past three years, a private citizen, out of office, with no patronage at his disposal, resting his claims purely upon his strength with the people as a man. It is idle to talk of the precedents of our history, for our history furnishes no precedent. There is no instance in our history where a President, after holding the office for two successive terms, retires to the ranks of private citizenship, and is afterward called upon to again fill the position. Washington retired after serving two terms. Jefferson did also, and declined a successive nomination for a third term after it became clear that it was impossible for him to secure it. Madison held the office two terms, and no renomination was tendered him. Jackson held the office two terms, and no renomination was tendered him. Grant held the office two terms, retired at the close of his second term. After an interval of four years, a nomination is again tendered him, for which our history furnishes no precedent whatever. Why

should the people of this country, after having had four years' opportunity to calmly and justly judge the man, be deprived by a sentimental objection of this character of his services, through another trying period in our history? Who has made such a law! With a wider experience and a riper judgment than he ever before possessed, with an emergency upon us through which we know he could safely carry us, who is there to say the majority of this people shall not again elevate the private citizen of their choice into the highest place? The people of this country have never found any difficulty in ridding themselves of a President whom they did not like, at the end of his first term. They found no difficulty in retiring both the Adamases, Van Buren, Polk, Pierce, Buchanan, and Johnson, after they had served one term. The people have never yet made a mistake in electing an incumbent to the second term. They have made several mistakes in electing a man to the first term. Quick to discover such a mistake, however, they never repeat it. The people of this country are better judges of the fitness of their public servants than any little band of philosophers who have vexed us with their theories. Conceding that there is no Constitutional objection to the election of General Grant, it is still urged that it is unduly honoring one man at the expense of all the others. I am in favor of General Grant's nomination—not to honor him but to benefit the country. This great office is to be filled, not for the accommodation of the individual, but to promote the public interests. It is not, as some people seem to conceive, an office to be passed around among certain invited guests like refreshments at a picnic, but a great office, to be filled for the public good. [Cheers.]

"While the friends of General Grant sincerely believe that there is before us such an emergency as can best be filled by him,—while they sincerely believe that his election will do more to insure quiet and a finally just solution of our political troubles than that of any other Republican,—while they believe that he possesses the confidence of the people North and South in a larger measure than any other man in the nation,—they do not believe, and they are very far from saying, that he is the only man whom the Republican party can elect. But it nevertheless is true that the most serious problem in our politics to-day and for the future grows out of the constant menace of a solid South. Who can divide that solid South, and thus solve the problem? I do say that General Grant is the only man in all this country who can solve the problem of the solid South by dividing the South, so that it shall not be solid. I do say that he is the only man in all this country whom the Republican party can nominate for whom the negro will risk his life and property to vote. I do say that he can carry three and probably five Southern States, and can divide the vote in all the others, and that no other Republican can carry one. If Grant is nominated, the negro will vote, and will vote for him. If he is not nominated, the negro will not vote at all. If Grant is nominated, the terrorized and outraged Southern white Republican will vote, and vote for him. If he is not nominated, he will not vote at all.

"The country demands for its leader a man whose very name stands for

peace, whose very presence is a restraint upon the law-breaker. Grant means peace. He smote secession hip and thigh in open warfare; it fears him now as it feared him then; it respects him now as it respected him then. I am doing no injustice to any living man when I say that for all such emergencies General Grant fills the requirements of the occasion in a larger measure than any other living man. It is idle to claim that all our dangers are past, because during the present session of Congress the Democratic party has suspended for the time the prosecution of its revolutionary schemes. The very fact that Grant is the probable candidate of the Republican party, and that the complete development of their schemes would render his nomination a certainty, has awed them into silence, and they stand, even in his prospective presence, tongue-tied and dumb before the world.

"This great character stands forth to-day bright and shining, the admiration of the world. Palsied be the hand which would strike it, and blistered the tongue which would defame it! It is not merely because he is so well worthy of this great honor, but because we sincerely believe that more than any other man can he serve his country and promote its best interests in that position. From first to last he has never known defeat. [Applause.] His record from Belmont to Appomattox is one unbroken chain of victories which honored his country and secured for himself the admiration of his foes. He never left a duty unperformed. He never made a promise which he did not keep. He never turned his back upon a friend. There is more wisdom in his silence than in the speech of most men. There is not a boast in all his long and splendid career. Bitterly and malignantly as he has been assailed, no word of slander ever escaped his lips. Prudent and cautious in counsel, he never fails to act when a conclusion has been reached, and is as prompt in action as he is prudent in preparation. In his first inaugural he met the clamor for an inflated currency by a demand for the payment of our National debt in coin, and by his veto struck a blow at all schemes for a depreciated currency from which they never recovered. He inaugurated and carried through a plan of peaceful arbitration by which grave international disputes were settled, and made our flag and our country respected throughout the world. As modest as he was great, he never set his individual judgment against the clearly expressed public will, but renouncing his desire he declared that he had no policy opposed to the will of the people. Leaving his high office, he has made the circuit of the globe, and has been received under every flag with such honors as no man ever received before. Unaffected by them, he never for one moment lost that wonderful pose which has carried him through so many great events. Returning home, thus honored and thus laureled, the brave, the honest, the patriotic, the modest soldier, statesman, and citizen, places all these honors in the hands of his countrymen.

"There is no elevation so high that he is dizzied by it. There is no place so low and humble which he may fill that he does not uncomplainingly and faithfully perform all its duties.

‘Draw him strictly so  
That all who view the place may know  
He needs no trappings of fictitious fame.’

“This is our true knight, ‘without fear, without reproach.’ and without a plume. Here, in his own State,—here in the chief city of that State, have the thousands who are assembled here to-night met, not to place fresh laurels upon his brow, not to add an additional honor to his long roll of honors, by uttering the voice of his own State in his behalf in National Convention, but to save the State from such a dishonor as any halting upon our part would surely reflect upon it. [Applause.]

“He has enemies here, as had Lincoln and Douglas before him. They can and they will be silenced. Joining hands with the other States, Illinois shall stand in the line and shall utter her voice for her honored citizen. Assailing no competitor, the rank and file, the Old Guard, declare that they are for Grant, because again and again have they marched under his banners, but never to defeat,—and every battlefield over which his flag ever floated was a field of victory. The work of our great leader is not finished, and will not be until he has led the hosts of freemen to that future, when there shall be within all the boundaries of the Republic not one foot of ground over which the flag floats and upon which a citizen stands who may not speak, and think, and vote as he pleases. Prostrate to-day are millions of our fellow-citizens, our equals before the law, but shorn of that equality. Under the banners of our chosen leader shall they be lifted up?

“When justice reigns throughout all our borders, and every citizen, white and black, stands equal before the law, when North and South, and East and West, there shall be found no privileged class; then, ‘let us have peace;’ that Peace which shall come to us with her silken banners floating in every breeze, with Justice and Mercy bearing her train. Justice to all, friend and foe. Such a peace leaves no traces of bitterness behind it, and smiling fields and the roar of thriving cities, and the hum of busy machinery, and happy homes, and a prosperous and prospering people mark its pathway, and better than all, and grander than all else, there shall be in all its march neither shackled wrists nor fettered tongues.” [Great cheering.]

The uncertainty of political alliances is proverbial. It was conspicuously illustrated in the campaign of 1880. There were many who believed, after the National Convention, that Garfield had “sold out” John Sherman. There are not a few who still believe that if Mr. Washburne’s wiser judgment had not been upset by the Presidential bee buzzing in his bonnet, and if he had held his followers in Illinois together in support of Grant, the result of that convention would have been very different. The “old guard” would have given their votes for him in the event that a nomination of General Grant became impossible; but his followers alienated them from the first by voting all the

way through against Grant, and found themselves at last an isolated handful,—not enough even to hold the “balance of power.” About a month before the meeting of the National Convention, and a week before the meeting of the Cook County convention for the election of delegates to the State convention, there were whisperings in the air that the Washburne men were opposed to Grant. In the first week of May, Mr. Storrs wrote to a friend suggesting that Mr. Washburne should be induced to make a speech in support of General Grant’s nomination. In that letter he said:

“We are having trouble here with Washburne. While he professes great friendship for General Grant, he nevertheless fails to control his friends, who are all for somebody else. Saturday evening, at a meeting of the Republican club of the 18th ward, where Washburne lives, and of which club his son is secretary, resolutions were adopted presenting Washburne’s name for the Presidency. We are naturally tired of this nonsense, and mean to bring him to a head. He goes to Springfield with General Grant, and at General Grant’s request. While there he must make a speech. . . Take hold of this matter, see that it is done, and you will have ‘done the State some service.’ Don’t wait for Washburne to agree to speak, but call him out.”

The gentleman addressed in this letter was a warm personal friend of General Grant, and he immediately responded:

“There must be no failure to carry the State for General Grant by a decided majority. I hope you will carry Cook solid for the ‘old man.’ It would be an infernal disgrace to the State to allow the ‘Plumed Knight’ or any other fellow to get any portion of the delegation. I am more for Grant than ever before. As — would say, I am ‘powerful fond of him.’ ”

In a couple of days afterwards, Mr. Storrs received from the same gentleman a piece of startling information.

“The most systematic efforts,” he said, “were made here yesterday to get Mr. Washburne to make a speech, but all in vain. He declined to ride from the Mansion to the State House with General Grant. He and General Smith (State Treasurer Smith) walked over to the State House, and mingled in the crowd. After Grant concluded his remarks, we made long and loud calls for Washburne; but no response from the said Washburne. . He hurried away to Boston on the Wabash train at 9 p. m.”

This defection on the part of Mr. Washburne, whom he had all along regarded as the strongest supporter General Grant had in the State of Illinois, was always a sore disappointment to Mr. Storrs. On the 10th of May, the Cook County convention was



held in Farwell Hall, when the opposition to General Grant materialized in an unexpected way. After being called to order by the chairman of the county committee, a motion to nominate a chairman of the convention was made by a man not a delegate, seconded by another who was not a delegate, and the first step was thus taken to capture the convention in the interests of the "independent" anti-Grant faction. The chairman was hustled off the platform, and his place usurped by the nominee already mentioned,—Mr. Anthony. This was done in obedience to the advice given by Mr. Charles B. Farwell to a caucus of malcontents held early in the morning. He told the caucus that the chairman of the county committee would, of course, in accordance with custom, nominate a temporary chairman, and the friends of no other candidate but General Grant would have an opportunity to put forward a name for the chairmanship.

This programme was duly carried out. As soon as Mr. Singer called the convention to order, and nominated a temporary chairman, he was at once interrupted, was unable to be heard, and a scene of great confusion ensued. The proceedings being so tumultuous that no business could be conducted, Mr. Singer declared the convention adjourned, to meet at the club-room of the Palmer House; and all the Grant delegates left the hall in a body. The party whom they left behind finally selected a divided delegation pledged in favor of Blaine and Washburne. Meanwhile, the regular body assembled at the Palmer House, and chose a full delegation pledged for Grant. Mr. Storrs was not present at the disorderly scenes in Farwell Hall, but attended the convention at the Palmer House, and in response to loud calls, made a stirring speech, which was interrupted by loud applause at every sentence. He said:

"I learned but a few minutes since that the chronic political revolver, the chronic political renegade, the bolter of 1872, and of all other years,—the intermediate and preceding years,—the political dyspeptic, the Republican hysteric, the man who is with the party in the sunshine, and is under the band-wagon in the storm—[laughter, and "three cheers for Storrs"]—had decided that thousands of the Republicans of Cook County are to be disfranchised, and in order to accomplish that purpose has resorted to schemes which the reformer in politics only adopts,—the schemes of the demagogue and the revolutionary. The Republican party of this city has been threatened, terrorized, and bullied steadily for the past three months. The time has come when the true,

steadfast Republicans of Cook County perhaps may be threatened in the future, but shall be bullied no longer. I have never bolted a Republican ticket, and I probably never shall. I have always supported its candidates, and I probably always shall. The regular convention of Cook county, regularly called, has been driven by force from the quarters assigned to it, and has now assembled here. The gathering at Farwell Hall is in no sense a convention; it is a mob, and disputing at this instant as to its leadership, and the dispute carried on with policemen as umpires. [A voice: "Fact! They haven't got a chairman yet."] If it takes a reformer in our politics four solid hours to determine who shall be chairman, about how long will it take them to nominate Blaine to the Presidency of the United States?

"The Cook county convention is here, and it is the accredited voice of the Republican party of the city of Chicago. The other is a disorganized mob at Farwell Hall. They have unseated the regular authority by force, fraud, and violence, and are at this moment disputing, under the umpireship of the police force of the city of Chicago, who shall head them. They have not determined this question, who shall head us. [Cheers.] Now, we shall make no mistake by the exercise of all the courage which we possibly can command. When we act directly within the precedents and traditions of our party, we shall make no mistake at all. Just so long as the whole rank and file are true to its precedents and true to its traditions, you need make no inquiries what the result will be. Do what your judgment tells you is right, and you will make no mistake. Then, when you go down to the State Convention held at Springfield, bring with you the credentials of this, the only regularly organized County Convention of Cook County, and the Republicans of this great State, who are for Grant and are against fraud, [applause] will pulverize finer than powder any organization headed by Charles B. Farwell. [Applause.]

"We have got a majority in this State; it is ours; it belongs to us, and I am in favor of using that majority for all that the term implies. The time has not yet come when any organization of revolvers, and disorganizers can affix a stain upon the escutcheon of Illinois so ineffaceable as that would be, to repudiate the foremost citizen of the world, who is our citizen. [Applause.] The time has not yet come when a Republican convention assembled as this is shall take counsel of its fears, or with hesitating judgment, trembling lip, and shrinking nerve, hold back one instant from the straight line that is open before it, which is, to give its expression to what is known to be the will of the State and of the nation at large, and act, as it is, like a convention. Select your delegates. If there is a majority of Grant men in this convention, select ninety-two delegates that are for Grant, and who have no second choice. [Applause.] I would not give a rye straw for a man with a second choice; the man with a second choice is worthless for his first choice. Select ninety-two delegates from Cook County, sent by the only convention now in existence,—this convention,—speaking and voting for Grant first, last, and all the time. [Applause.] And with such a delegation you will find that in the convention that assem-

bles here in Chicago no second choice will ever be called for. All there is about it, then, is to go ahead without being bullied, safely within the precedents of the party; do as we have done in the days that have passed; stand right straight up, and no harm will come to you. Imitate the example of our great leader. You see the enemy before you—move immediately upon his works." [Laughter and applause.]

The State Convention assembled at Springfield on the 19th of May, and there were two rival delegations from Cook County, each claiming to be the only authorized and only legitimate representation of the county. Seats were given them in the gallery until the report of the committee on credentials was made. That committee had the question under consideration for nearly a day and a half, and finally presented three reports, one recommending the seating of fifty-six of the Farwell Hall delegates and thirty-six of the Palmer House delegation; another recommending the seating of the entire Palmer House delegation, and a third recommending the seating of the entire Farwell Hall delegation. Upon the presentation of these reports to the State Convention, time was allotted to each side to present its case through its own chosen representatives, and both sides were fully and thoroughly heard. The adoption of the report recommending the seating of the entire Farwell Hall delegation was advocated by Mr. Kirk Hawes, and Mr. Storrs was then introduced to state the case on behalf of the Palmer House party. The *Illinois State Register*, a Democratic paper published at Springfield, thus describes the debate:

"The speech of Emery A. Storrs was an extraordinary effort. It lacked the clinching logic of Hawes' arguments, but was surpassingly brilliant, burnished, as it was, by the genius of the orator and of the poet. Mr. Storrs exhibited his gifts to the best advantage. He bore down upon the rioters, the bribe-givers and bribe-takers of Chicago with all the blazonry of his unequalled powers of denunciation, of ridicule, of sarcasm, of humor, leaping the difficult places in his pathway by a glowing appeal for Grant, an apotheosis of Republican stalwartism, a shining tribute to the flag; and crowned his cause with a trumpet-tongued cry for harmony, for conciliation, for peace, that won his audience, and supplied an ample apology for the claim which he so fervently espoused. He wanted only thirty-six of the ninety-two delegates—wanted them in the name of justice, in the name of popular rights, and above all, in the name of the great leader who had done more for his country than any other living man, and whose splendid form towered into the very sunshine of eternal fame. The orator closed his speech with a peroration, the classic finish of which, though capping a faulty argument, was worthy of Sheridan in the British Parliament, or of

Seargent S. Prentiss, when, pleading for his contested seat as a representative, he electrified the American Congress forty years ago. The victory was complete. The orator had swept triumphantly the chords of human passion, and the vote then promptly taken gave Grant all that had been claimed for him in Cook county. This episode in Illinois politics sets a notable precedent in party organization, and illustrates the highest ingenuity of party leadership."

No action was taken upon the report claiming the entire Cook county delegation for Grant. The Republican State Committee of Illinois, in 1876, had adopted for Cook county the plan of having its delegates vote in the State convention, not as a county, but by senatorial districts. Cook county included seven senatorial districts, three of which were carried by the stalwarts, and they also claimed a majority in the second district. It was admitted that the others had been carried by the opponents of Grant, and all that the Palmer House party wanted was fair play and a just representation.

The report advocated by Mr. Hawes was rejected by a majority of eighty votes. The question then came up on the report recommending the admission of fifty-six of the Farwell Hall delegation, and thirty-six of the Palmer House delegation, which was adopted by a majority of eighty; whereupon the admitted delegates took their seats in the convention. The same evening, Senator Logan sent the following telegram to Mrs. Storrs in Chicago:

"I most heartily congratulate you on the magnificent speech of your husband in favor of seating the Grant delegates.

"JOHN A. LOGAN."

It had become apparent to Mr. Washburne himself by this time that the preference of the Republican party of Illinois was overwhelmingly for General Grant, and without the support of his own State Washburne could not hope to win the Presidency. He therefore published a card in a paper at Portland, Maine, where he was then staying, in which he said: "All combinations alleged to have been made by my friends and those of other candidates have been entered into without my knowledge or approbation." Two days before the meeting of the Illinois State convention, he sent the following telegram to a friend in Galena:

"Too unwell to attend to anything, but express to all my friends my earnest hope that they will support General Grant."

The Springfield convention having been organized, a resolution was offered that the delegates to the National Convention be selected by a committee of one from each Congressional district, to be appointed by the chair. This motion led to discussions, consuming many hours, and was finally adopted by a majority. The chairman named a committee, who recommended as delegates to the National Convention forty-two gentlemen, whose names were approved by the majority. No other names were submitted to the State convention, but protests were filed from several Congressional districts just before the convention closed. General Logan offered a resolution declaring U. S. Grant to be the choice of the Republican party of Illinois for the Presidency, and instructing the delegates to use all honorable means to secure his nomination, which was carried amid the wildest enthusiasm.

The national Convention met in Chicago on the 2nd of June. It was the longest and most exciting convention that had ever been held in the history of the party. There were contesting delegations from several States. The most important contest was that for the representation of the State of Illinois,—the third State in the Union, so far as her numerical representation in a National political convention was concerned. A committee on credentials was appointed, to whom all questions as to the right of delegates to their seats was referred, and of this committee a majority did not favor the nomination of General Grant. The malcontents at Springfield brought their protests before this committee, and sought to overturn the decision of the Illinois State convention. The committee held long and fatiguing sessions, the bolters being represented before them by Mr. Hawes, and the straight Republicans by Mr. Storrs. They returned a majority and minority report. The former was in favor of seating the delegates named by private caucuses of the bolting districts, outside of the State convention, and sustained the Grant delegates for the second district, and the delegates for the State at large chosen by the State convention, against the objections made to them. The minority report, so far as it related to the State of Illinois, was prepared by Mr. Storrs. It recited all the history of the Farwell Hall usurpation, the frauds perpetrated at the primary elections in several districts, and the action of the State convention, and thoroughly reviewed the situation.



When these reports were presented in the National Convention, a lively breeze was at once raised by General Logan, who demanded to know by what right the majority of the committee presumed to pass upon the credentials of the delegates at large from Illinois, of whom he was one and Mr. Storrs another. He had never heard that there was any question as to them. Mr. Conger of Michigan, the chairman of the committee, explained that a "communication," had been sent to them purporting to contest the rights of the delegates at large from the State of Illinois, but that the committee, after considering it, had decided that there was no valid contest, and that the gentlemen chosen by the State Convention were entitled to their seats. This would not satisfy General Logan. He and his brother delegates claimed their seats by virtue of their credentials from the State convention, and would not accept them through any tolerance of the committee on credentials. On the motion of General Sharpe of New York, the paragraph relating to the Illinois delegates at large was expunged as superfluous. Some amusement was created during the discussion of the question by a member of the committee, saying that the committee had sat up till three o'clock in the morning listening to Mr. Storrs on that point. "Why," he said, "my venerable friend from Pennsylvania [Mr. Cessna], and several others of the members of that committee, whom we all delight to love and honor, sat there until two or three o'clock in the morning,—and those gentlemen have not been awake at that hour for the last ten or fifteen years, I am informed,—kept there by the eloquence of the gentleman who was pleading the cause of the gentlemen from Illinois."

The obnoxious paragraph was expunged, and all question as to the rights of the delegates at large to their seats removed. On the motion of Mr. Cessna of Pennsylvania, the report was considered in detail. After the Alabama case had been disposed of, the Illinois contest was taken up. Mr. Conger, as chairman of the committee on credentials, made an explanation of the considerations which had influenced the majority to report as they had done. General Raum, the chairman of the Illinois State convention, defended the action of that body. Mr. Elliott Anthony was heard on behalf of Farwell Hall, and Mr. Storrs answered him as the authorized representative of the sitting dele-

gates. The argument of Mr. Storrs was one of great power and appeared in full in the official report of the Convention.

Mr. Storrs was interrupted by a hurricane of applause from the stalwarts in the galleries as he drew his masterly address to its conclusion. The Blaine men responded with yells and cat-calls. The stalwarts cheered again with renewed vigor, and a scene of tumult and uproar followed such as has never before or since been witnessed in a great National Convention. Senator Conkling, the leader of the New York delegation, made an emphatic gesture of approval, and looked delightedly round as the stalwarts began to strip the flags from the front of the galleries and wave them wildly about, in which they were imitated by the Blaine men in the opposite gallery. Delegates rushed excitedly through the hall, interchanging jubilations with other delegations, and some groups started singing patriotic songs. The Babel lasted nearly an hour, during which the chairman's gavel was powerless to restore order. The chairman availed himself of a lull in the storm to say. "The question is on the adoption of the report. The gentleman has only four minutes of his hour remaining." Mr. Storrs, who had remained standing on the elevated platform, looking placidly around him during all the excitement, turned to the chairman, and smilingly said. "Please give me these four minutes. I think I need but three." Permission being granted, Mr. Storrs concluded his speech by saying:

"Gentlemen, give the grand old State that never knew a draft, and never filled up a regiment with paper soldiers,—give the grand old State, the home of Lincoln, and Douglas, and Grant, a fair chance. Put no indignity on the honor of her sons. Then, if you can nominate the worthy son of Ohio, John Sherman, do it fairly; and when the hysterical gentlemen who are afraid that he is not popular enough to carry Illinois are inquiring their way to the polls, the grand old guard, whose representative I am, will have planted the banner of victory on the citadels of the enemy. By all means let us be free and absolutely untrammelled; put no just cause for complaint on us; have no hesitancy in a candidate who exhibits scars, provided they are honorable scars, won in honorable warfare. Select no man without a record; pull no skulker from under the ammunition wagon, because he shows not upon him the signs of battle; take the old tried hero,—let us take him if we can get him; and then I believe, with the old guard behind him, who have never kept step in this world to any music but the music of the Union, and with the friends of Blaine, and the friends of Sherman, and the friends of all good men, a victory will be achieved, the like of which has never been recorded in the annals of our National

politics. Citizens of one country, members of one party, let us remember that, while we accept no indignities from our enemies, we hope and trust and pray our friends will put none upon us. Here, in the midnight, with the storm without, and these assembled Republicans within, we are first to be just, first to be fair, and victory is ours as sure as the morning comes."

It was now long past midnight, and a motion to adjourn was made, which the friends of the bolters opposed, hoping to rush the majority report through. The motion to adjourn was lost; and then the question came up on the adoption of the majority report. Mr. Cessna succeeded in obtaining a division of the question, and a separate consideration of the contests in the disputed districts. The majority report was adopted finally, as to all the contested districts of Illinois, and thus eighteen of the forty-two delegates chosen by the State convention were unseated, and bolters substituted in their places. The Convention then adjourned at twenty minutes past two o'clock in the morning,

Thus was inaugurated a new method of selecting delegates to National Conventions, which was destined to bear disastrous fruit at no distant day. The State Conventions were practically abolished by the decision of the National Convention of 1880; Congressional districts were substituted in their stead; but ere long it was found that the new plan did not stop short of leaving each individual delegate to do his own pleasure, quite regardless of any pledges which he might have given. The seeds of disruption were sown in the Republican party, and bore fruit in 1884. The men who in 1880 stood up for the familiar methods of the party have remained loyal to the party ever since, in prosperity and in adversity; the bolters of 1880 bred a numerous progeny of mugwumps in 1884, who found a chilly resting place in the Democratic party, despised alike by their new allies and by the party they have deserted.

It is needless here to tell over again the story of the "old guard," the famous 306, who stood firm at their posts through thirty-six ballots, voting for General Grant "first, last, and all the time." The Convention's choice fell upon General James A. Garfield, of Ohio. Believing, as he did, religiously in the rule of the majority, Mr. Storrs accepted their decision, and, without a murmur, joined with other Republicans in placing his services in the campaign at the disposal of General Garfield.

A few days after the adjournment of the Convention, a sympathetic friend in Peoria, Illinois, wrote to him as follows:

"I have not been an uninterested spectator, of your recent fight at the pass of Thermopylæ, where the three hundred stood the charge of heterogeneous hosts against them, and stood so long and so well. No one was killed in your column. Grant will stand stronger in the hearts of his countrymen than ever, and so will the rest of you; while there have been many notable deaths on the other side,—Washburne for one, for I infer he was playing his own little game, and playing it badly. I infer this from the fact that none of the stalwart three hundred seemed to give him any aid or comfort. We were all prepared to welcome him as the dark horse whenever it became apparent neither Grant nor Blaine could be nominated. He would have been acceptable, and would have won if he had kept out of the fight his little self, as Garfield did,—or had done as Sherman did. He played poorly, and henceforth is 'dead as a ducat,' though he may continue, with Blaine, Sherman, *et. al.*, to walk about for some time to save funeral expenses."

## CHAPTER XXXIX

### THE CAMPAIGN OF 1880.

PREPARATIONS FOR THE CAMPAIGN—ORGANIZATION OF THE FRIENDS OF GENERAL GRANT—MR. STORRS ADDRESSES THE IRISH REPUBLICANS OF CHICAGO—WHY IRISHMEN SHOULD VOTE THE REPUBLICAN TICKET—WHY THEY SHOULD ABANDON THE DEMOCRACY—THE COOK COUNTY CONVENTION—THE STATE CONVENTION AT SPRINGFIELD—MASS MEETING IN CENTRAL MUSIC HALL—THE NATIONAL CONVENTION—OPPOSITION DELEGATES—MR. STORRS' ARGUMENT FOR THE ENFORCEMENT OF THE UNIT RULE—HIS GREAT SPEECH IN THE CONVENTION—DEFECTION OF MR. WASHBURN—THE "OLD GUARD"—MR. STORRS AT BURLINGTON, IOWA—SPEECH IN PHILADELPHIA—THE DEMOCRATIC PLATFORM REVIEWED—WHAT ITS SUCCESS WOULD MEAN—ITS FINANCIAL HERESIES—MR. STORRS ADDRESSES THE COLORED REPUBLICANS OF CHICAGO—AT OAKLAND, CALIFORNIA—AT DENVER, COLORADO—MR. STORRS STUMPS THE STATE OF OHIO—GREAT SPEECH AT CLEVELAND—AT THE COOPER INSTITUTE, NEW YORK—ARTICLE IN THE NORTH AMERICAN REVIEW.

THE stalwart Grant county of Iowa opened the campaign with an enthusiastic ratification meeting at Burlington on the 16th of July. Mr. Storrs then struck the keynote of the campaign in a masterly address.

As was his custom in every campaign, he set out with a telling review and comparison of the past records of the two parties, which need not be here repeated. He next discussed the Democratic platform, the first plank of which was as follows:

"We pledge ourselves anew to the constitutional doctrines and traditions of the Democratic party, as illustrated by the teaching and example of a long line of Democratic statesmen and patriots, and embodied in the platform of the last national convention of the party."

This paragraph, he said, rendered it absolutely necessary to re-discuss all those old issues which we had fondly hoped were



settled. He again went over the history of the State sovereignty heresy, and concluded his observations on this first plank by saying :

"They pledge themselves anew to the doctrine of state sovereignty ; pledge themselves anew to their opposition to every measure of the war ; pledge themselves anew to their opposition to the constitutional amendments ; pledge themselves anew to this opposition to all the legislation by which they can be enforced ; pledge themselves anew to the declaration of 1868 that they regard them all as revolutionary, as usurpations, as unconstitutional and void, and necessarily pledge themselves to erase those from the Constitution and statute book the first moment when they possess sufficient legislation and executive power combined so to do. This significant declaration must make us pause. [Cheers.]

"Their second plank is as follows: 'Opposition to centralization, and to that dangerous spirit of encroachment which tends to consolidate in one, and thus to create, whatever the form of government, a real despotism.'"

He answered the Democratic objections to centralization as he had done in previous campaigns, and he proceeded with his analysis of this platform:

"The third plank of their platform is as follows: No sumptuary laws, separation of church and state for the good of each, and common schools fostered and protected.' No opposition to sumptuary laws and no legislation which would interfere with free whisky, is entirely consistent with the Democratic party, for all such laws would be clearly opposed to the doctrines and traditions of that party. The division of church and state is a doctrine stolen from the Des Moines speech of General Grant, and their declaration that common schools should be fostered and protected in view of the practice of the states from which the one hundred and thirty-eight electoral votes are to be drawn, is an absurdity. After the war, when having clothed the negro with the privileges of a citizen we sought to make him capable of exercising those privileges intelligently by establishing schools and building school houses, that same party in the south which to-day fosters and declares its intention of fostering schools, flogged or assassinated the school teacher and burned the school-houses. School-houses there for the education of the poor whites and blacks are not only not fostered—they are not tolerated, and this declaration carries a lie upon its face.

"Their fourth plank announces this doctrine: 'Home-rule, honest money consisting of gold and silver and paper convertible into coin on demand, and the strict maintenance of the public faith, state and national, and a tariff for revenue only.'

"What does the Democratic party mean by 'home-rule?' The evidences which they have furnished us of home-rule in these states from which the one hundred and thirty-eight electoral votes are to be derived are not encouraging. From the practical evidences they have given us, home-rule

means with them the right to fetter opinions, to stifle speech, to terrorize the voter and bully the courts at home. It means the White-Liner and the Ku-Klux at home; it means the argument of the shot-gun; it means the persuasion of Chisholm and Dixon and hundreds of others by the gentle methods of assassination; it means the enlightenment of the negro and the white Republican voter, by midnight raids, by burning homes and indiscriminate slaughters. This is the practice of the home-rulers in the south, and this is the practice which this platform ratifies and endorses and the right which it demands. Nothing, however, more impudent in politics can be found than the declaration of this plank in the platform for honest money, let us compare the practice of the Democratic party in the past with its present professions.

"The Democratic platform in 1868 called for the payment of the public debt in greenbacks, which had it been adopted, would have resulted in such an inflation of our currency as to have rendered the resumption of specie payments an absolute impossibility, which would have been the dishonor of not only the public debt but of the greenback itself. They aimed a fatal blow at the national credit for they demanded 'equal taxation of every species of property according to its real value, including government bonds and other public securities.' Had this policy been adopted, my fellow citizens, do you suppose that it would have been within the range of possibility for us to have reduced the interest upon our public debt? Would not the national honor have been so shaken that resumption would have been an impossibility, and honest money something in a distance so far removed that we could never expect to live to reach it? In 1869 the public credit bill, which pledged the nation to the payment of its debt in coin, was opposed in congress by the almost solid vote of the Democratic party. Clamoring to-day for honest money, they opposed the resumption bill which makes the greenback and national bank-note honest money. Their platform in 1876 written by a shrewd capitalist who had an eye to the vote of the state of New York and supposed that he would have the south at all events, for the purpose of catching the capitalist vote, declared for honest money and denounced the Republican party for hindering resumption, the entire Democracy having previously opposed the scheme of resumption, but in January, 1876, but a few months after this convention met, the bill to repeal the resumption act received 112 votes in the house of representatives, all democratic but one. In June, 1876, as a rider to the civil appropriation bill, an amendment repealing the resumption act received solid Democratic support. Does this look like honest money? The party was not converted by its platform, for the party understood the purpose of the platform. A bill to repeal the fixing of the time for resumption August 5th, 1876, received in the house 176 votes, all Democratic except three, more than a year after the declaration of the platform of 1876. In October, 1877, Mr. Ewing reported from the committee on banking and currency a bill to repeal the resumption act. This is the practice of the party as against its profession. It was the the practice of the party not only in our national congress but throughout the states. In th's honest state of Iowa the platform of the

Democratic party for 1877, declared: We demand the immediate repeal of the specie resumption act.' In 1878, still unconverted, the Democracy of the state of Iowa in its platform declares: 'We favor the immediate repeal of the resumption act.' This is the sentiment of the party. Its constitutional doctrines and traditions and its votes, wherever its votes would tell, have been from the beginning down even to to-day against honest money for which in its platform to-day it lyingly and hypocritically declares.

"Their fifth plank declares: 'The subordination of the military to the civil power, and a thorough and genuine reform of the civil service.'

"This simply means that the military power shall not be used to protect the citizen nor to put down armed and organized resistance to the enforcement of the laws. It means that the moonshiner shall go unpunished; it means that wherever an independent Democrat determines that he will not pay the revenues which the government imposes upon the business which he is pursuing, that no military power shall be employed to compel such payment; it means that acts of congress may be resisted in their execution by organized bodies of armed men; that no military power may intervene to enforce these acts of congress nor to put down such armed and organized resistance to their enforcement. It means that an act of congress providing for an honest ballot, and for a peaceable poll shall be rendered nugatory by the surrounding of polls by armed and organized bands of ruffians, and that the military powers of the nation shall not be invoked to protect the citizens in the enjoyment of their privileges, in the enjoyment of which the constitutional amendment solemnly guarantees him. [Applause.]

"It is well that the Democratic party was exceedingly brief in its demand for a thorough and genuine reform of the civil service. It states no plan—it states no evil that it seeks to remedy. If it is patriotic men—men thoroughly devoted to the nation and to its preservation, thoroughly devoted to the support of the great guarantees furnished by the constitutional amendments that we desire—shall we find them in the Democratic party? Does it possess more of the intelligence of this country than the Republican party?

"This party has organized in itself the bulk of the ignorance the violence and the crime of the country. If culture and superior education are desired in our office-holders is there even a Democrat who will claim that better facilities are furnished for procuring these requisites from the Democratic than from the Republican party? Will you, with the experience of the organization of the house of representatives before you, contemplate what kind of a reform that will be which will result from the election of Hancock? Not only would the triumph of the Democratic party fail to promote any genuine reform of the civil service, but it would render such reform utterly impossible. No one expects the civil service to be reformed through any such curious and extraordinary channels.

"By their sixth plank the Democracy declare 'the right of a free ballot is a right preservative of all rights, and must and shall be maintained in every part of the United States.'

"From reading this platform one would almost come to the conclusion

that the Democratic party had decided in its platform to state great truths which it had always opposed and to assert great rights which it had always denied. The election laws of congress, so-called, were passed to secure a free and honest ballot, and to prevent fraud and violence at the polls. At the time they were passed the Democratic party solidly opposed them, and denounced them as unconstitutional, and has since that time even by revolutionary schemes, steadily sought their repeal. The courts have sustained their constitutionality of those laws and yet their repeal is as steadily sought.

"The whole current of Democratic history gives the lie to this protestation in favor of a free and honest ballot.

"They have never advocated a registry law, the purpose and fair operation of which where they have been in power would be to secure a free or an honest ballot. No law for the registration of the voter and for the protection of the purity of the polls has ever been passed that has not encountered the opposition of the Democratic party, and when it has been in power such laws have uniformly fallen under their administration.

"The fraudulent vote of the city of New York for years and years is a steady commentary upon the falsity of this protestation. In 1868, as was subsequently demonstrated upon the trial of Tweed and the examination of his affairs, over twenty thousand votes were cast, or at least a fraudulent vote of twenty thousand in but very few wards of that city. In several precincts there were more votes counted—double the number of votes counted—than the entire population. This was under a Democratic administration. They opposed every registry scheme by which these gross and outrageous frauds might be prevented.

"But is there a free ballot in the south? Does any man of ordinary honesty and ordinary intelligence claim such a thing? Let us take a few examples. In 1872 the Republican vote of Alabama was 90,272, the vote in 1878 was nothing; and yet the Democratic vote was not increased to a larger extent than the increase of population would justify. Is that a free ballot?

"In 1872 the Republican vote in Arkansas was 41,373; in 1878 it was 115. The Democratic vote in the meantime had not increased, but this Republican vote had been terrorized, bulldozed and driven from the polls, and by threats, fraud and violence, the expression of public opinion by the ballot was absolutely and utterly stifled; and yet the party guilty of this most stupendous and gigantic crime, sneakingly and hypocritically, in its platform, protests that the right of free ballot is a right preservative of all rights and must, they say, be maintained in all parts of the United States.

"In 1872 the Republican vote of Mississippi was 82,175; in 1878 it had dwindled down to 1,168. This tremendous change cannot be accounted for by conversions. It is simply a dropping off of the vote, not an accession of Democratic strength but a denial of the right of suffrage. Is this a free ballot?



"In their tenth plank the Democracy say: 'We congratulate the country upon the honesty and thrift of a Democratic Congress, which has reduced the public expenditures forty millions a year, and upon the continuation of prosperity at home and national honor abroad.'

"The first commentary upon that is that it is false; but this glaringly false pretense of economy will bear examination. How has this economy been exhibited? Is it economy? In the reduction of the army and in cutting down the pay of our officers. The spectacle of a crowd of rebel brigadiers in congress, sitting in judgment on the pay of Sheridan and Sherman and union soldiers and officers, is one which the loyal men of this country do not contemplate with any very great degree of pleasure or satisfaction; but we have been compelled to witness it. Our army cut down and so crippled that it is absolutely inefficient to protect our frontiers or indeed to protect us against mobs in our large cities throughout the entire country—is that economy? I regard it as the most wasteful extravagance.

"It refuses to make appropriations for the payment of judgments procured in the court of claims against the United States, and proclaims this as economy. It refuses to make appropriations for the payment of the expense of our courts, and has left the federal courts throughout the whole country so crippled that there has been no money to pay jury service, and in numberless instances the marshals have been compelled from their private funds, to pay the expenses of the administration of justice in the federal courts. This is not economy; this is a shameful neglect of duty; a shameful denial of justice to the citizen; a shameful and a wasteful extravagance.

"It refuses to make appropriations to finish uncompleted public buildings, thereby vastly increasing the expense when completion must ultimately be made. It has cut down the service in the department of the interior and other departments to such an extent that the patent office and pension bureau have been almost practically closed. It has refused to make sufficient appropriations for the revenue cutter service, to the prejudice of the customs revenue, and has lost tens of thousands of dollars from revenue, where it has derived one from its niggardly appropriation for that service. It has refused to make adequate appropriation for the signal service; it has practically refused appropriations for the repair and protection of the navy yards, stations, armories and arsenals, suffering these great properties to go to wasteful and ruinous decay. It has refused to make adequate appropriations for the increased expenses devolved upon the mint and assay offices, rendered necessary by recent legislation, thus tending to defeat the object of legislation. It has refused to make adequate appropriations for the survey of the public lands; it has made grossly inadequate appropriations for lighthouses, beacons and fog stations, thus imperilling the safety of our merchant marine. And, finally by one great effort, it cut off the supply of lemonade to the members of the house of representatives, but, as history tells us, the supply was sought for by individual members from the senate department.





Morton Plow  
July 20th

Hon Emeric A. Storr

479 Washington St., Chicago - Ill

My dear Sir:

Accept my thanks for your  
kind letter of July 19<sup>th</sup> I have read with

great pleasure your very able and  
effective speech at Burlington. I am

It is increasingly aggressive on all our  
speeches might be. The attempt to  
put our party on the defensive on

my behalf, cannot succeed. I am particularly obliged to you for what you say in reference to Dubouche matter

From what your father writes. It is clear that it was your Grandfather who so tenderly and courageously took care of my Grandfather during his sickness and buried him after his death. I am glad to know this fact. It warms my heart with gratitude to

know that I have found a living  
descendant of the man whose name  
has so long been a household word  
in my family.

Whenever you come in  
reach of me I hope you will  
call

Very truly yours  
Jedgarfield

"At the close of this remarkable plank which I have just read to you, the country is congratulated by the Democratic party upon the continuation of prosperity at home and national honor abroad. But how in the light of history has this prosperity at home been secured, and this honor abroad been maintained? But for the large reduction of public expenditures, resulting from resumption of specie payments and strengthening of the public credit, and reduction of the rate of interest on the public debt, the thoroughness, efficiency and honesty with which all our custom duties and internal revenues have been collected and paid over, the country is indebted to a Republican administration. [Applause.]"

Appeals of the most urgent kind were awaiting him when he got home to Chicago. The mail was superseded, and the telegraph put in active requisition. The chairmen of the Ohio and Indiana State committees were both competing for his services, so that it was physically impossible for him to accommodate both. He referred the dilemma to General Garfield, who wrote him as follows:

"MENTOR, OHIO, October 2, 1880.

"MY DEAR STORRS,

"Yours of yesterday received, and since that your telegram that you will be in Toledo on Monday.

"I know how crowded you are, with work, and how great a sacrifice it is to leave your law office so long, but these are days of destiny, and we must have all the help you can give us.

"If you find it possible to call on me while in Ohio, I hope you will not fail to do so.

"Very truly yours,

"J. A. GARFIELD."

On the 4th of October, Mr. Storrs made his first appeal in the Ohio campaign at Toledo. Secretary Carl Schurz had been assigned to the same city by the State Committee, and the two gentlemen had a pleasant interview, being for some hours guests of the same hotel. Mr. Schurz was averse to speaking on the same platform with Mr. Storrs, regarding it as a waste of ammunition; and at his suggestion a meeting of the German population of Toledo was hastily got together by the local committee, which Mr. Schurz addressed in his native tongue. The *Toledo Blade* had the following editorial comment on the occasion:

"The gatherings last night were the most significant things in Toledo's political history since the stirring days of 1861. That at the Söenger Halle was the best representation of the city's intelligence, education, and character that has been gathered together at least in this decade. To see two hundred and fifty of our most respected citizens of advanced age, the



men whose wisdom and life long labors have brought Toledo forward to where she is—men of the highest standing in the community, and respected above all others for what they are and have done—to see these arrayed in ranks to attest their deep interest in the momentous questions of the occasion, and to see these fathers in Israel flanked and supported by a grand battalion of the men whose valor was conspicuous on every battle-field of the late war, was an imposing sight that the thousands who packed the immense hall in front of them never before witnessed, and we trust will never again, for we hope that never again will there be a public danger calling for such a significant demonstration.

“The orator of the evening was worthy of his magnificent audience. Mr. Emery A. Storrs has no superior in the art of reaching the popular heart, of presenting great truths in a way that will at once charm and convince his hearers. He is a magician in the use of the English language to convey grand thoughts and pregnant facts. No wavering man in that vast assemblage left the hall unconvinced that the salvation of the country lay in Republican success.”

After the meeting, a congratulatory telegram was sent to Mrs. Storrs by Petroleum V. Nasby, editor of the *Blade*, in the following words:

“Storrs meeting the largest ever held here. Speech a most brilliant one. Intense enthusiasm. “D. R. LOCKE, Editor *Blade*.”

The following night he addressed a large meeting in Sandusky, and was listened to by many who had been addressed in the fair grounds the same afternoon by Mr. Blaine. Next day he addressed an open air gathering at Norwalk, and on the 7th at Elyria, where there was an immense demonstration, the town being crowded from morning till night by people from the surrounding country, and the air rent all day long by their cheering and by the music of brass bands. During his progress in Ohio he had received daily telegrams from the chairman of the State Committee, asking him to speak at various places outside of his proposed limit as to time, and these were reinforced by communications from General Garfield and Governor Foster. In one telegram from Mentor, General Garfield said—“We greatly rely upon you.” Another, dated October 7th, was as follows:

“Our people are crazy over you. So far as you can, consistently with other engagements, keep speaking. “J. A. GARFIELD.”

Another, of the same date, said:

“I hope you will speak at Elyria, and then come here by evening train. “J. A. GARFIELD.”

While he was being urged in this way to extend his tour in

Ohio, Mr. New was just as importunate for him to go to Indiana. The following telegram explains the result:

"Kennard House. Come and see me. Have wired New, as you request, that your health and voice prevent your speaking in Indiana.

"J. A. GARFIELD."

In addition to these, he received at Cleveland the following despatch from General Arthur:

"Can you not speak for us in the Cooper Union, Wednesday evening, the 13th? We have been holding great mass meetings every Wednesday evening. Conkling, Evarts, and Pierrepont have already spoken, and now we want you.

"C. A. ARTHUR."

The Cleveland *Herald*, in its report of the Elyria meeting, said,—“Nothing but a full report can do justice to Mr. Storrs’ speech. Though we have had two fine orators here already this year, his was decidedly the speech of the campaign. Mr. Storrs was serenaded at the Beebe house in the evening by the band and a large concourse of citizens. He appeared on the balcony, and delivered an address of about twenty minutes’ length upon the general prosperity, reconciliation, and Order No. 40. Though brief, the address was eloquent and telling, and was loudly cheered at its close.”

He took a night train to Cleveland, where he met General Garfield, and spent the next day, which was Saturday, quietly with General Garfield in the seclusion of Mentor. In the evening he addressed a large meeting in the Cleveland opera house. The Cleveland *Leader* announced that the Republicans of that city were to have an opportunity of listening to “the Chrysostom of Chicago.” The whole lower floor of the house was reserved for ladies accompanied by gentlemen. “This arrangement,” said the *Leader*, “made by the county committee, is a graceful recognition of the fact tersely stated by one of our best women contributors, that ‘it is not necessary to be a man to be a strong partisan this fall.’”

After an eloquent tribute to the women of America, Mr. Storrs said:

“We stand in the midst of an unrivaled prosperity, an honorable and a deserved prosperity. Wise legislation, honest fulfillment of National engagements, even through years of suffering self-denial; good Government, with a fruitful soil faithfully tilled; honest business, patiently and steadily pursued; earnest labor, adequately rewarded, have brought us this great prosperity.

The Republican party has given us this legislation; has performed these National engagements; has governed fairly; has protected and encouraged labor, and has so ordered our affairs that to-day we have an honest day's wages for an honest day's work, paid in honest money. *Shall we change all this?*

"In 1880, throughout all the boundaries of the Republic there is not a slave; in 1860 there were 4,000,000 of slaves, who were not citizens, who were denied the rights of common humanity, who were chattels merely. In 1860, the Democratic party being in power and the country being disgraced by the presence in it of 4,000,000 of slaves, that party was opposed to a change; in 1880, when slavery has been extirpated from the soil of the Republic, the same party demands a change. In 1860 all our vast Western Territories were threatened with slavery, and so far as the policy of the party, aided by a convenient Supreme Court, could effect that end, slavery was declared to be national and freedom sectional. In 1880 all these imperiled territories are free States, populous, powerful and prosperous. In 1860 the Democratic party was opposed to a change; in 1880 they demand a change.

"In 1860, for a trivial loan of a very few millions, the bonds of the United States Government would fetch but eighty-eight cents in the market, those bonds drawing six per cent. interest; in 1880 thousands of millions of dollars of Government bonds, drawing four per cent. interest, command in every money market of the world a premium of from eight to ten cents on the dollar. In 1860 the Democratic party was opposed to a change; in 1880 it demands a change. In 1860 we were afflicted with an unstable, fluctuating vicious currency, the value of which changed every time its holder crossed a county line. The profits of the merchant and the producer were swallowed up in exchanges; in 1880 we have as stable, fixed and uniform a currency as any government ever possessed; the national bank note issued in the extremest corner of Maine possesses the same value in the remotest corner of Texas, and is good everywhere. . . . Addressing so many representatives of the business interests of this great and thriving city, I simply put the question to them whether they, on the whole, demand a change, and whether the change which they demand is such an one as will result in the reversal of the policy and system of government which has produced these astounding and these magnificent results?

"No good citizen of Cleveland, anxious for its growth and for the growth and prosperity of the country, anxious to promote the success and prosperity of its business interests, can ally himself with the Democratic party without grossly stultifying himself. He can do it upon no other hypothesis than that the Democratic party, if it gains power, will not carry out the doctrines which it announces. I submit that it is too much to expect of the average citizen that he will vote the ticket of a political party upon the assumption that if it succeeds it will reverse its own policy, defeat its own measures, repudiate its own history and do precisely the things it declares it will not do, and that it will fail to do precisely the things which it solemnly and positively assures us that it will do. I do not wish to talk extravagantly, but is it not too large a draught upon the credulity of the

average citizen to ask him to assist in the election of the Democratic ticket on the assumption that it will thoroughly carry out Republican doctrine? Is it not placing General Hancock in a most disagreeable dilemma to call upon him after his election to belie the platform and betray the express policy of the party which nominated and elected him? We are to-night to pray, 'Lead us not into temptation.' I would save General Hancock from that great temptation.. Without asking anything extravagant in the way of credence of the Republican party, am I not sufficiently reasonable when I insist that the Republican party is more likely to carry out Republican doctrine than any other party? It is familiar with its own doctrine, has had the handling of it for many years, thoroughly understands it, is accustomed to no other, and particularly will not a Republican President, like Garfield, fall into the rut of suggesting and carrying out measures which he has always been in favor of, much more readily than a President would who had always been opposed to them?

"Is there any gentleman in this audience who can indicate to me the great interest of any kind, character or description which the Democratic party represents? It does not represent the manufacturing interest of the country. To claim that it does would be merely ignorant impudence. It does not represent the banking interests of the country; it demands their destruction. To claim otherwise would be mere effrontery. It does not represent nor can it be regarded as a special champion of the National credit, for it has steadily sought to depreciate and destroy it. It has sought the repudiation of the National debt and the dishonor of the National name by the taxation of Government bonds. It does not represent the educational interests of the country. I think no Democrat could retire to his room alone by himself and keep a straight face and insist that the party to which he belonged did represent the educational interests of this country. It is not the friend of free schools, North or South. The solid Democratic party of the South burns the school-house and bullies, bludgeons or shoots the school-master. Its rank and file cannot be regarded as the highest type of American intelligence. I would say in this connection nothing unkind, and any gentleman who would say that the rank and file of the Democratic party represent the highest education and culture of the country would, I think, be showing an ignorance so broad and comprehensive that that very assertion would, in its absurdity, refute his statement. I venture to suggest that it does not represent the best and highest moral instincts of the country. I think I need not enlarge upon this. Take the party as it stands, it does not exclusively fill our churches nor our Sunday-Schools. It has not an overwhelming majority represented in our Christian associations nor in our religious charities. In short it does not, as a party, represent those feelings; and whenever an excellent Democrat drifts into those moral and Christian currents, his standing in his party is sure to be impaired. What does it represent? Merely opposition to every measure of National growth and freedom of which we have had knowledge or experience 'since 1856.'"

But the most telling feature of the Cleveland speech was his exposure of General Hancock's ignorance on the tariff question. He said:

"I have said that the party has always opposed protection. In its platform to-day it declares that it is in favor of a tariff for revenue only, and a tariff for revenue only means the encouragement to its largest measure and its fullest extent of the importation of the foreign article. How does General Hancock stand upon the platform? This declaration against a protective tariff is No. 4 in the Democratic platform, and Hancock says, 'The doctrines enumerated are those I have always cherished, and which I will endeavor to maintain in the future.' Yesterday, however, finding an indignant public sentiment running against his party, finding the laboring interests aroused everywhere, finding the manufacturers awake, he was subjected by a manufacturer from New Jersey to an interview, which was published in all the newspapers, and which is the most remarkable document, I think, ever vouchsafed to man. As a piece of raw, crude humor, it discounts anything that ever Mark Twain undertook. [Laughter.] Now let me read you what that 'superb statesman and soldier' said, with notes historical and explanatory, after the manner of Plutarch. The interviewer begins the scene with and after the following manner, that is to say: 'There is one thing General, I desire to speak about: The tariff question is creating a good deal of talk in Paterson, particularly among manufacturers and the working classes. Now, how is that going to work?' And the superb soldier, standing erect, with Order No. 40 in one hand and a batch of cipher dispatches in the other, says: 'That question, the tariff question, cannot affect the manufacturing interests of the country in the least.' [Laughter.]

"There you have it. That is wisdom coming right down in boulders, I don't want to lose that. I want to read that again. 'The tariff question, cannot affect the manufacturing interests of the country in the least.' If it cannot, what can? The doctrine of foreordination, of justification by faith, of election, works, immersion, sprinkling? Anything would affect, I suppose, the manufacturing interests, but the tariff question cannot. [Laughter.] 'My election would make no difference either way, one way or the other.' Why, how does he know? 'There has to be a certain amount, millions of dollars, raised by a tariff that can be got in no other way.' We know that, General, and your party proposes to get it all that way, and wants a tariff for revenue only, and wants to encourage the importations; for, my dear General, if you do not have any importations you do not have any revenue out of a tariff, and the more you have of importations the less you have of protection and the more you have of competition. But he goes on, 'The election of a Democratic President or the election of a Republican President cannot interfere with or influence that in the least.' Let us see, General; suppose that the experiment which the Democratic party inaugurated last winter, in defeat-



ing which I took a hand as an outsider, had been carried successfully into operation. Suppose that the duty on iron of all kinds, steel rails, paper, cotton, and of everything else, had been stricken down. The Democratic party undertook to do it. The Solid South is in favor of it. Suppose, my good friend Townsend, they had succeeded. Would not the election of a man who would have vetoed legislation of that character have made a little difference? If Garfield had been President the legislation would have been vetoed, and the country saved from that calamity. If the 'superb soldier' had been President the bill would have been signed, and the interests extending to \$30,000,000 in the city of Cleveland wrecked in a day. That is the difference. [Applause.] It is the difference between a projected measure becoming a law and not becoming a law, and that is a very great difference, I assure you. Observe he does not say that he would veto free trade legislation. He makes no promise of the kind. He exhibits merely a broad and comprehensive ignorance of the whole subject. [Laughter.] It is windy declamation—it is discreditable to him as a citizen in the very last degree.

"But I go further, and it gets worse as you proceed. 'The Paterson people need have no anxiety whatever that I will ever favor anything that interferes with the manufacturing or industrial interests of the country. They will have just as much protection under Democratic administration as under Republican administration.' Was ever the history of this country so absurdly belied! What is Groesbeck of Cincinnati? Who is Blackburn that has been talking in this State, denouncing the whole system? What is the whole Solid South?' Who is Fernando Wood, the chairman of the committee on Ways and Means? A rabid free-trader. And yet this man, in his dense, chunky ignorance of the whole subject, declares that the party hating the system of protection will defend that system just as zealously as the party which has always favored it!

"I want to ask you another question: Do you ever remember the instance of a Democratic administration in the whole history of this country, where they had all branches of the Government, legislative and executive, that ever they found a protective tariff they did not destroy? You cannot point to an instance. Their whole scheme last winter was to its destruction. Hancock don't know it! He has not found it out! He had better have been hoarse as he was when the shipbuilders called on him. He displays the most colossal ignorance of the whole subject by the paragraph I will now read. 'The tariff question,' what? You cannot guess. 'The tariff question,' Mr. President, General Hancock says, 'is a local question.' Now, if there is anything in all our politics that is not local, that is the one thing. A tariff affects, for good or ill, not only every conceivable interest on this continent, but all over the world. It is one of those few questions with which a school district and a State has not anything under God's heavens to do.

"But he gets worse as he proceeds. 'The same question was once brought up in my native State of Pennsylvania.' [Great laughter.] That same question, he says, that question of the tariff, which is a local question was once brought

up in Pennsylvania [laughter]; a State in which they have not talked about anything else under God's heaven for the last twenty-five years. Why, he is laboring under the impression that they were fixing up a tariff system at Harrisburg, and adjusting duties and a scheme of protection by the Pennsylvania State Legislature. He finishes up in this manner; 'It is a matter that the General Government,' hold on, 'seldom cares to interfere with.' [Laughter.] Who else would interfere with it? 'It is a matter that the General Government seldom cares to interfere with.' States generally take hold of it. But occasionally the General Government puts its hand on it. [Laughter.] 'And nothing is likely ever to be done that will interfere with the industry of the country.' Now that I suppose, is an authentic report of that interview. I commend it to General Hancock's attention that instead of cross-examining General Grant about his interview (for he will find that the witness will bother him on cross-examination) [applause] he had better set himself industriously at work contradicting that, and get some small book on the subject of the tariff, or else be afflicted with a hoarseness until the campaign closes.

"Now, my fellow citizens, I have seen the workings, in a narrow portion of the country, of the doctrines of free trade. I visited the State of California two or three weeks ago. I am familiar with the logic of free trade; I used to believe in it. There is no literature in the world so captivating to a young man as that of free trade, but a little more reading and a little more thinking on my own account and a good deal more of experience, demonstrated to me that it would not work. I remember that the millennium of free trade doctrine is 'a cheap product,' and when a free trader argues with you and gets so far as to demonstrate that his policy will result in a cheap product, he thinks the debate is closed. The fact is, it is only just begun. What this government was organized for was not cheap cotton, but was: intelligent, industrious, well-to-do citizens. I am probably heterodox, but I think a great deal more of a prosperous laboring man than I do of a cheap boot, and the policy of protection in the end gives us both, and everybody is benefited by it.

"The city of San Francisco ought to be the very Elysium of free trade. Boots are cheap; the Chinaman makes them. Underwear is cheap; the Chinaman makes it. Ready made clothing is cheap; the Chinaman makes it. Cigars are cheap; the Chinaman makes them. Tinware is very cheap; the Chinaman makes them. Is San Francisco prosperous? Is California prosperous? California is the only State in all this Union that, shows a decrease of population and prosperity in the last two years. San Francisco is the only great city in this Union that has reduced its capital, its business and population since 1876. What is the trouble? You have a cheap product. It is the result of a degraded and pauperized labor. The Chinaman under the cast-iron habits of 3,000 years of experience in famine and starvation can work and live in a fashion that the white laborer cannot do, and I hope to God he may never be called upon to do. [Applause.] He

can live on rats and the white laborer cannot. He pays nothing for education and the white laborer does. The white laborer has a home, and the Chinaman has none. With all these advantages in his favor, if a white man competes with him he must accept the conditions of the competition. He must live and breathe and move and have his being as his competitor lives and moves and has his being.

"Now let us go just one step farther. A general free trade, a tariff for revenue only, throws down every barrier against competition with the pauper labor of the old world, and if this competition with 15,000 or 20,000 paupers out of the 100,000,000 of our country will destroy one city and ruin a State, I ask you what will be the result when the experiment is extended over the whole country, the barriers against that competition are thrown down, and that competition is waged, not in a corner, but everywhere; not against a fraction of one pauper nationality, but against all the paupers of all the globe everywhere? My fellow citizens, it is not difficult to answer the question. It was but a few years ago that Mr. Gladstone was at the head of the English Government.

"He is a great free trader; he made a free trade treaty with France: silks from France were introduced into England duty free. Within a month the factories engaged in the manufacture of silk in two great cities of Great Britain—Coventry and Macclesfield—were closed, and they remained closed for an entire year. Their character was changed and they turned into manufacturers for cotton. The industry destroyed, their skilled laborers were driven to this country, and here on this continent the skilled laborers of Great Britain engaged in the manufacture of silk, driven from their own shores by the policy of free trade, protected here, have built up such an industry as will in five years drive the silk article out of competition in every market of the world. [Applause.] I don't care how much you theorize, there are these great facts, and what I have said is true of every conceivable form of industry. It is true of every manufacturing industry, and the people of this country are asked to surrender these vast interests into the hands of a party which threatens and is determined to destroy the policy out of which they have grown and by which they have been created."

In conclusion Mr. Storrs referred to the Democratic predictions in 1868, when it was stated that the pillars of the Government were rocking on their base. Said he:

"Have you seen any trouble with the pillars of the Government? The trouble was not with the pillars of the Government; they did not rock; the trouble was with the gentlemen who were looking at the pillars of the Government. [Laughter and applause.] They were like the gentleman who had been attending a lecture on astronomy. Going home loaded with a great deal of Democratic logic [Laughter], with a step weary and uncertain, with the earth revolving a great many times upon its axis, he affectionately clasped a lamp post and said, 'Old Galileo was right, about it; the world does move.' [Laughter.] 'And should it, the Republican party, succeeded in November next and inaugurate the President, we

will meet as a subdued and conquered people amid the ruins of liberty and the scattered fragments of the Constitution.' I have been from the tempest-tossed waters of the Atlantic to the peaceful seas of the Pacific, over the mountains, along great rivers, across magnificent plain and prairie, through deserts, down into caves, and I have not seen a single ruin of liberty nor discovered a solitary fragment of the Constitution. [Laughter and applause.] We do not meet as a subdued and a conquered people. General Grant was our nominee for President, and he was elected. [Great applause.] He being the candidate, there was a strong probability that he would be inaugurated if elected. [Applause.]

"Forthwith we banded this great continent with ribs of iron and steel. Forthwith this Republican party carried the gold ore across those seas back to the lands of old Egypt, and back to the shadow of the pyramids, back to old Damascus, and bought all the history and tradition, spices and gums, incense and myrrh, and landed them in this fruitful west, where we received them with one hand and distributed them all over the habitable globe with the other. This great Republican party interfered with no pillars of the Government. It found in that edifice the decaying timbers of human chattelhood. Bless God! it removed them, and replaced them with the everlasting granite of universal freedom. [Applause.] It broadened out that splendid edifice, its base covered the whole continent, each ocean washed its base. It reared that splendid dome, decked with stars, clean above the clouds, where, thank God! it shines and shines to-day, bathed in the glorious sunshine of everlasting fame. [Applause.] It has taken out the old, foul records of the olden time, the old pestilential heresies, State Rights, secession, the thumb screw, the faggot, the chain, the whip, all these; the manacled slave, the padlock for the lips, the throttled thought, all these; the deep, damning and almost ineffaceable shame of National dishonor, all these it has effaced from its walls, and written there, shining and resplendent, living forever, the grandest record of achievements that the history of this world has ever inscribed."

He closed by reviewing the platform of the Democratic party, and holding up its sophistries, one by one, under the electric light of his pitiless logic, to the scorn and ridicule of his auditors.

Having satisfactorily finished his Ohio tour, he paid a hurried visit to his home and office in Chicago, and immediately started off again to fill appointments in New York and the Eastern States. On the 14th of October, he spoke at Boston, and the next night at Newburyport, Mass. The *Boston Herald* said of the latter:

"It was the ablest, cleanest cut, and most impressive campaign speech that has been heard in Newburyport for years, many old residents say-

ing they have heard nothing like it here since the days when Robert Rantoul was in his glory. In the audience were large numbers of working men, and to them Mr. Storrs directed a searching appeal in behalf of a protective tariff. The gallery was packed with ladies. This evening's speech was Mr. Storrs' only one in Massachusetts, except that at Boston last evening."

The Massachusetts State Committee gave a complimentary lunch to General Grant at Boston, on the 16th, and Mr. Storrs was one of the invited guests. The Boston *Gazette* said:

"The banquet to Grant was one of those occasions on which our city always appears at her best. The attendance was made up of the representative men of Boston. The speech-making was eloquent and interesting. The opening speech of Governor Rice was exquisitely appropriate. It had just the desired spice of humor, and in eloquence and finish fully met the expectations of those who know what the ex-Governor is on such occasions. Governor Long was also highly felicitous in what he said. Judge Hoar's address was admired by everybody. General Grant himself thoroughly enjoyed his visit with us, though he preserved his well-known impassive manner much of the time, and was modest and unobtrusive in his demeanor always. The political meetings of Thursday evening are likely long to be remembered. The news from the West brought inspiration to the hearts of the Republicans. They came out in thousands to rejoice, and there was an enthusiasm exhibited such as has not been before evoked in the campaign. The feature of the meetings was the speech of Mr. Emery A. Storrs, of Chicago. It was the most brilliant piece of campaign oratory that has been heard for years in Boston—ardent, aggressive, and slashing into the Democratic lines with a vigor that reminds one of a dashing cavalry charge on the field of battle."

In compliance with General Arthur's invitation, he addressed a mass meeting at the Cooper Union, in the city of New York, on the 20th of October. The New York *Times* said that his speech on that occasion "gave the Republicans of New York a taste of a style of oratory to which they are not very much accustomed, and which has many other attractions than that of novelty. It was direct, pungent, witty, and forcible. Mr. Storrs kept the attention of his immense audience from the first to the last, and was frequently and heartily applauded. If any Democrat imagines," said the *Times*; "that the laughter which he so frequently elicited was produced by tickling mere partisan prejudices, he will be undeceived if he undertakes to candidly explain away the points of Mr. Storrs' witticisms. The appearance of General Grant at the meeting, and the greeting which he received, formed a striking incident in the evening's proceedings."



Mr. Storrs then followed with a scathing review of the Democratic candidates, especially of General Hancock's career at New Orleans. This speech was printed in pamphlet form and circulated as a campaign document, and its publication brought to Mr. Storrs a host of letters of congratulation.

But specially grateful to Mr. Storrs was the receipt of a letter from a patriotic American resident in Paris, who wrote:

"I must say it is many a long year since my eyes have fallen upon anything so comprehensive, so searching, and so forcible, as that production, in exposing the fallacies, the demerits, and iniquities of the Democratic party. I think this wonderful effort, which I suppose is but the beginning of your labors in the campaign upon which the people have just entered, merits for you the gratitude of all our patriotic citizens. By free circulation of the copy I have in hand, I am securing for the speech the most extensive reading of it among Americans in my power. I hope it will be made a campaign document, and find a place in all our Republican journals. During a recent visit in England I heard frequently from holders of Confederate bonds that they had assurances from the Southern States that could the Democracy but succeed at the next Presidential election, the debt of the Confederacy would at once be assumed by the government of the United States. God grant that no such calamity may befall our beloved country."

From Kansas, Missouri, Wisconsin, Iowa, Minnesota, Michigan, Vermont, New York, Nebraska, Pennsylvania, New Jersey, and Massachusetts, came urgent letters inviting him to speak in those States. His professional business required him to go to California in September, but he made a trip East before going there, and spoke in Philadelphia, New Brunswick, N. J., and in Vermont during the month of August.

On the 30th of July he wrote to General Garfield saying:

"I have to-day written Mr. Nash that he might advertise me in Ohio from and including September 28th to October election, and possibly that I would be able to give him a few days earlier in September. . . The very best of feeling prevails here, and Logan is full of his old-time spirit. In fact, everything is reconciled."

He spoke at New Brunswick, N. J., on the 26th of August, and went over much the same ground as in his Burlington speech.

On the 30th of August, the campaign in Pennsylvania was opened with a mass meeting in Horticultural Hall, Philadelphia, presided over by Hon. William D. Kelley.

He spoke at Pittsburg on his way home on the 2nd of Sep-

tember. On his arrival in Chicago he found an invitation awaiting him from the Union League of St. Louis, to address a meeting in that city on the evening of the meeting of the Republican State Convention of Missouri. He also received telegrams from Governor Routt of Colorado asking him to address the people of Denver, and letters from the State Committees of Nebraska and California, asking him to speak at Omaha and San Francisco. His professional business in California now required his immediate attention, and enabled him to comply with the three latter invitations, but obliged him to decline that from St. Louis, rather against his personal inclination.

Before leaving for San Francisco, he addressed a meeting of the colored Republicans of Chicago, impressing upon them their duty to themselves and the party that freed them.

On his arrival in San Francisco, he was promptly interviewed by the reporters for the daily press. Mr. Storrs' comparison of the two Presidential candidates is so pithy and concise that we make room for it:

"If you ask me to compare them, it can't be done. They are so totally unlike in point of qualification that comparisons are impossible. You might as well compare a banker with an opera singer. One is a statesman, the other is not. One has political experience, the other has none. One is largely versed in civil administration, the other not at all. The one is a student of political history, the other knows nothing of it, except a familiarity with a few windy platitudes concerning the division of the power of the General Government. The one is educated to broad and comprehensive national sympathies, the other has always moved in the narrow orbit of mere military routine. One is from choice a member of, and, by selection, the head of a great patriotic party, which has saved the country and made it a nation, which has maintained its credit and given a universal prosperity; the other is a selected head of a party, which he fought to defeat when it asserted precisely the same doctrines which it maintains to-day. One votes as he shot, the other votes for the men he shot at. One is a modest and conscientious citizen, the other, a vain and easily flattered soldier. One is Garfield, and the other is Hancock."

He spoke in the Grand Opera House on the 15th of September, and the *Chronicle*, in presenting next day a full report of the speech, said:

"It is risking nothing to say that the great audience which crammed the Grand Opera House last night from pit to gallery, to hear the famous orator from Illinois, Hon. Emery A. Storrs, has not been surpassed in

San Francisco in point of numbers, intelligence and enthusiasm. Long before half-past seven o'clock, half an hour before the time announced for the opening of the meeting, hundreds reluctantly turned from the doors, unable to squeeze their way into the immense edifice. There were ladies willing to brave the discomforts of standing if they could but get within the theater, men so anxious to hear Mr. Storrs that they stood in the aisles and passage ways packed like sardines in boxes, able to hear the fine voice of the speaker but unable to catch a glimpse of him. The enthusiasm, as might be expected, was unparalleled. Every telling point made by the speaker—and his speech fairly bristled with them—was applauded to the echo."

Mr. Storrs began by saying:

"Leaving that wonderful city of mine, enthroned on the edges of the great inland seas, coming away across 2,000 miles of plain and mountain to this gem on the Pacific coast, this jewel which rests upon the edge of that wonderful ocean, I find they are both patriotic cities, both born of patriotism. Will you allow me to carry back to my fellow citizens when I return home the message from San Francisco to Chicago that this wonderful city is true to her birth which made her a free state, and is true to that great party which made us a nation. I come from the Atlantic to the Pacific and one flag covers us; wherever I am I am a citizen of the United States; and when I think of all these splendid achievements and of our party, we did it, we did it [applause], and the poorest of us, however little we may have of other worldly possessions, these splendid achievements are our patrimony, and with these we are rich indeed. [Renewed applause.] This great party, the pride of humanity everywhere, confronts to-day the Democratic party, a party that asks that the past be buried, and I do not wonder at it; a party that insists that no previous record shall be examined—I am not surprised at it; a party that wishes to look to the future only—I am not astonished at it, for if the record of the party to which I belong and you belong were leprous with guilt as theirs is, and were stained all over with crime as theirs is; if the political history of our party were as theirs is, not merely criminal but crime itself, I would ask, as they ask, that the past be forgotten. [Great applause.] Are these dead issues? They claim so; I think not. The great effort of the Democratic party of to-day is to unload its history, to run away from its reputation and its character. [Laughter.] It is a hard thing to do. [Renewed laughter.] They discover that character is always in issue. No man asks for employment without he puts his character in issue. You don't employ men on their platforms nor on their promises. The banker would not employ the pilfering clerk of last month even of his platform of next month embodied the Ten Commandments and Christ's Sermon on the Mount.

"You perhaps by this time have discovered that I am not in favor of a change, except in the better and qualified sense. I am in favor of all

changes that look to improvement. I would be in favor of a change from hell to purgatory, but not from earth to purgatory.'"

He then reviewed their platform of 1880, making a strong point,—as he had done at Burlington and at Philadelphia, after his dissection of each plank in that platform, and of the action of the party in relation to it,—of their declaration that the party 'pledged themselves anew' to their old political heresies.

"You can't name a Democratic state in the Union where, if there was really anything to protect the integrity of the ballot box they have not repealed it. There is not a line in the statute looking to the security of the ballot box against fraud and a fair, free and full ballot that that party has not opposed. There is not a single measure looking to the return of an honest dollar for an honest day's work that that party has not opposed since 1860. We have steadily beaten this party since 1860. Have we made any mistake in beating it? Where would we have been if they had beaten us in 1860? Free labor driven from one-half of the nation, the territories dedicated to servile labor and free labor driven from them, credit prostrated, public faith dishonored, secession the accepted doctrine of the nation. That is where we would have been had they succeeded in 1860. Where would we have been in 1864, if they had had their way, when they were bawling for peace, asking that hostilities cease at once? Our flag brought back in disgrace, our conquering heroes called home with the ineffaceable ignominy of defeat for which they were not responsible. Where would we have landed had they beaten us in 1868? Our national debt paid in greenbacks, a limitless inflation of the currency, our government bonds taxed, our reputation and our credit destroyed, the reconstruction measures swept from the statute book, the constitutional amendments falling with them, chaos and confusion come again and the splendid victories of our soldiers in the field basely, meanly and abjectly surrendered by us after the toils and terrors of battles that had won them."

He also spoke at Oakland, a few days after his San Francisco speech, and on his way home he stopped at Denver, in fulfillment of his promise to address the Republicans of that city. He spoke there on the 23d of September, and Governor Routt of Colorado sent the following telegram to Mrs. Storrs:

"Mr. Storrs addressed the largest and most intelligent assemblage of Republicans ever gathered together west of the Mississippi to-night, at Republican headquarters. He was escorted from his hotel by five hundred boys in blue. He is now receiving a serenade, and is being called on and congratulated by a large number of the prominent citizens of the city and State. He has done our cause great good.

"JOHN L. ROUTT, Chairman."

The hearty reception he met with at Denver was always a pleasant recollection to Mr. Storrs. An elegant and valuable souvenir of the occasion was shortly afterwards forwarded to Mrs. Storrs, in the shape of a beautiful necklace and earrings made of smoky topaz, set in the native gold of the State, with a handsome locket of native gold, on the case of which was inscribed,—“Presented to Mrs. Emery A. Storrs, as a slight testimonial of their admiration of her husband, by his Colorado friends.”

The testimonial was honorable both to the givers and to the recipient,—as a token of their magnificent liberality on the one hand, and of the deep impression made upon their minds, on the other hand, by the eloquent utterances of Mr. Storrs.



## CHAPTER XL.

### THREE CELEBRATED MURDER TRIALS.

THE COCHRANE CASE—THE WISCONSIN LAW AS TO THE PLEA OF INSANITY—  
THE RANSOM CASE—THE ILLINOIS LAW OF JUSTIFIABLE HOMICIDE, AND  
THE DOCTRINE OF SELF-DEFENCE—THE DUNN CASE—PATENT INSTRUCTIONS.

THE year 1881 was a busy one for Mr. Storrs in a line of cases which had won for him a special celebrity, but which he always entered into with the greatest reluctance. He disliked criminal practice, and had set his heart upon building up a reputation in the higher courts of record: but naturally the fame of his successes in great criminal trials, reported at length in the newspapers, spread farther among the mass of the people than that of his no less brilliant career at the common law and chancery bar. The campaign which resulted in the election of James A. Garfield as President of the United States was hardly over when Mr. Storrs was consulted for the defence in a murder case which was agitating the State of Wisconsin, and which has taken rank among the *causes celebres* of the United States. It was remarkable not only on account of its sensational details, but also on account of the novel legal questions put in issue. It was a story of domestic ruin, culminating in the shooting of the seducer by the wronged husband. Mr. Storrs was induced to take up the defence, not for the sake of the fee, for a large arrear of that remained unpaid at the time of his death, but chiefly because the injury the defendant had sustained enlisted Mr. Storrs' sympathies.

William H. Cochrane, the defendant, was born in Cattaraugus county, New York, in 1843, and when the Rebellion broke out, a youth of 18, he enlisted in the Union army. He served until October, 1864, and on his discharge obtained a clerkship in the

War Office, which he held for about two years. He came West in April, 1867, and settled in Grand Rapids, Wis., where he soon became Cashier in the First National Bank, a position which he held all through and after his trial, the confidence of his employers being unbroken by the tragical occurrence in which he was concerned. He married in December, 1867, a woman six years younger than himself, and a daughter, his only child, was born in March, 1870. He was the owner of his own home, and it was a domestic paradise until there came to Grand Rapids a young lawyer from Missouri named Henry Hayden, a man of splendid appearance, brilliant mental faculties, and a plausible address. His abilities won him the position of County Judge, and his manners established him quickly in the good graces of the fair sex. He was a married man, with an accomplished wife and a family of three children. In the fall of 1878 he began making advances to Mrs. Cochrane, first by raising his hat and smiling when he met her, and then, meeting her on the county fair-grounds, he introduced himself and Mrs. Hayden to her. The acquaintance thus formed, he never lost an opportunity of meeting Mrs. Cochrane, and at length won her consent to meet him on a lonely road on the outskirts of the town. Their meetings after this were frequent, sometimes as often as thrice a week, always after dark, and alone.

At this time Cochrane was busy in other ventures besides his occupation at the bank. He was running a shingle-mill, and was absent from early morning until the bank opened, and from supper-time until after midnight in the woods and looking after his shingle-mill. Gossip soon fastened on his wife's reputation, and everybody was aware of her shame except the husband himself. At length, in June, 1879, she went on a trip to Minnesota, and while she was gone word came to Mr. Cochrane that a clandestine correspondence had for some time been going on between his wife and Judge Hayden. He was able to intercept a letter from his wife to Hayden, full of terms of endearment, such as could only pass between paramours. He at once telegraphed to his wife to come home, showed the letter to her mother, and on his wife's return, meeting her with the evidence of her guilt, elicited from her a full confession. An immediate separation followed, and later on a decree of divorce.

The guilty wife took up her abode with her mother. Her confession was hardly made before it was known to the whole town, and before long to the whole State of Wisconsin.

Hayden at once set to work to break the force of the confession. He sent female emissaries to Mrs. Cochrane urging her to deny any criminal intimacy either to Mrs. Hayden, or to the Masonic committee who were about to investigate the matter. He threatened her through his agents with the vengeance of his friends, if she did not do as desired. Her mother was assured that her daughter would be sent to the penitentiary for adultery if she confessed the facts to either Mrs. Hayden or the committee. Frightened by these threats, when Mrs. Cochrane was called upon by Mrs. Hayden, she admitted everything but the criminal intimacy, and when that point was reached by the Masonic committee in its investigation, she declined to answer.

Hayden, however, did not seem to be content with having ruined Cochrane's home, but seems to have organized a scheme for the purpose of crying down Mrs. Cochrane's general reputation. The remarks used in this campaign of scurrility and defamation came to Cochrane's ears, driving him nearly wild. His health failed under the mental burden and his brain became diseased. He was sleepless, lost appetite and flesh, and his changed condition was noticed by all his friends. Finally, Hayden purchased a local newspaper, and in its second issue—on the 9th of October, 1879—appeared a lampooning article on Cochrane, charging him with unfairness in accommodations at the bank. In his then excited state this seemed to Cochrane to fill up his cup of bitterness, and he went to the neighborhood of Hayden's office with a shotgun, met Hayden on the sidewalk, and killed him.

The popular feeling in Grand Rapids was so strong that on the suggestion of the State a change of venue was taken to Neillsville, in the adjoining district. Parties were actively interested, some to revenge Hayden and some to defend Cochrane, but the majority of respectable people in the place were emphatically on Cochrane's side. In Neillsville, when the case came to be tried, popular feeling was found to be in the same direction, and it was greatly promoted by the eloquence and skill with which Mr. Storrs conducted the defense. The trial lasted ten days

commencing on the 6th of September, 1881. For the prosecution appeared Mr. George L. Williams, the District-Attorney of Wood county, in which Grand Rapids is situated, Judge Cate, of Stevens Point, and Mr. J. P. C. Cottrill of Milwaukee. For the defense were Mr. Storrs, and Messrs. Charles M. Webb and G. R. Gardner, of Grand Rapids.

The attorneys for the State contented themselves with merely proving the shooting. The opening for the defense was deferred until the close of the case for the prosecution, when Mr. Storrs addressed himself to the task before him, and made such an effective presentation of the case that the effect was noticeable at every moment during the trial. In his statement he recited all the evidences of Mrs. Cochrane's guilt in detail, and put the issue upon the broad ground that jurors treated all cases of this character as questions of conscience, and that no court could very well prevent them from so doing. Previous to this time public opinion had been setting toward Cochrane, but this gave it a great impetus, noticing which some of the counsel for the prosecution became a little petulant. As a matter of course, counsel for the defense took due advantage of this, and the public feeling increased in this direction until it was nearly unanimous.

Mr. Storrs was especially severe in his denunciation of the author of the slanderous article,—a partner of Hayden's,—whom he characterized as “the purveyor of the buzzard, and the chore-boy of the vulture.” Mr. Cottrill, in his opening for the state, had alluded to the attempt on the life of President Garfield as a warning to jurors to be strict in such cases. Commenting on this, Mr. Storrs said:

“I have nothing to say by way of comment upon the taste of such a proceeding, but it seems to me that, rather than thus use such a calamity—rather than stand over what we fear may be, and all hope may not be, the dying couch of our good President, and use his groans and his sufferings to promote a prosecution of this character, I would pluck my very tongue from my mouth. Bless God, the President of the United States, sanctified in the hearts of 50,000,000 people, with his magnificent career and illustrious achievements behind him, if he lives a glorious career before him, and if he dies enshrined a pathetic, and tender, and sacred memory in our hearts for all generations to come, was the head of a sweet, a pure, and almost saintly home. Thank God, he never raided the sanctity of the home of a friend or acquaintance. Thank God, his life stands

out in such bright and shining contrast to the life of Hayden, that it seems as if in his person the glory of the old commandment had been enshrined, and the beauty of a sweet, and pure, and holy home had been embodied. And if the attack of the miscreant upon our beloved President is to be made the occasion of a justification for the despoiling and outraging of homes in Wisconsin, God only can measure the infinite extent of that calamity!"

The court-room was filled with ladies during Mr. Storrs' opening. The eloquent counsel for the defense was warmly applauded, and the Sheriff rather expostulated with the authors of the disturbance than interposed his authority to stop it. Several witnesses, all leading citizens, of Grand Rapids, having testified to Cochrane's excellent character, the defendant himself was examined, and against the objections of the prosecution was permitted to detail in full the story of his domestic wrong. His testimony was mainly a recital of the confession made to him by his wife on her return from Minnesota, of the investigation by the Masonic lodge, of Hayden's efforts to forestall investigation by sending lady friends to Mrs. Cochrane to persuade, and threaten her into silence, and of the state of mind into which he was thrown by the continued reports that came to him of Hayden's sayings and doings, and by the publication of the slanderous article in Hayden's paper. Mrs. Darling, the mother of Mrs. Cochrane, testified to her daughter's confession of guilt, made to Cochrane in her presence. His brother and his brother's wife both described, in a manner that drew tears from the ladies present, the scene at their house when Mrs. Cochrane returned from Minnesota, and how she and her mother besought them to intercede with Cochrane not to send her only child away to his own family in New York State. They also described his haggard appearance, his loss of appetite, and his avoidance of social intercourse. Similar testimony as to his changed condition was given by his associates in the bank, by merchants who dealt with him, and by the old lady who acted as his housekeeper after the separation. Dr. Witter, who attended him in July, 1879, a month after the disclosure, said that the epileptoid condition of his brain, caused by excitement and sleeplessness, would if continued greatly impair his will-power.

The case was remarkable on account of the legal questions for the first time raised during its progress. The law of the State of Wisconsin requires that, when the defense in such cases



is insanity, it must be set up by a special plea. 'That issue must first be tried separately, and, if the jury find the accused not to have been insane at the time of the commission of the offense, the trial of the facts under the general plea shall then proceed before the same jury. The statute further provides that if the defence of insanity is not specially pleaded, no evidence can be given on that point during the trial. If it is pleaded specially, and the defendant is beaten on the issue, the matters involved in the plea shall not again be considered. The defendant's counsel did not deem it wise to set up this defense under such circumstances, and were allowed to show facts illustrating Cochrane's condition of mind, as bearing upon the question whether or not he was able to form a premeditated design at the time of the shooting. When the testimony was all in, however, Mr. Storrs addressed a lengthy argument to the Court on the unconstitutionality of the Wisconsin law, and asked instructions favorable to his view on that point. He referred to the Constitution of the State, which provided that the right of trial by jury should be inviolate, and claimed that this right was violated by a law which required the defendant to go to trial first on an issue where the presumption of law is against him, and where he has to affirmatively prove the issue raised by his special plea. The burden is thus shifted from the State to the defendant, and Mr. Storrs cited numerous authorities to show that this was an invasion of the defendant's constitutional rights. He also asked that the Court instruct the jury that they were the judges of the law as well as of the facts. On both points the Court ruled against him, and but for the acquittal of the defendant the Supreme Court of Wisconsin would have been called upon to pass upon this statute for the first time—a statute which Mr. Storrs described as having been drawn by some lawyer "crazy on the subject of craziness, insane on the question of insanity."

In Mr. Cottrill's closing argument to the jury, and also in that of Judge Cate, the fact of Hayden's criminal intercourse with Mrs. Cochrane was treated as not proved, and Mr. Cottrill even referred to her confession as testified to by her own mother as a story invented for the purposes of the defense. This was effectively demolished by Mr. Storrs in his closing argument, and the Court at his request instructed the jury specially that the fact of the

adultery was not in issue, that affirmative testimony in regard to it would not have been received if offered, and that Mrs. Cochrane could not have been permitted to testify on her husband's behalf on any matter involved in the trial. Mr. Cottrill took occasion to declaim against the apparent sympathy of the bystanders with the defendant, and sneered at the ladies for turning out in such force to listen to the developments that had been made. This gave Mr. Storrs a capital opportunity to improve the impression he had already made in Cochrane's behalf, and he promptly availed himself of it. In his closing address to the jury, in which he impressively recapitulated the story of the defendant's domestic wrong, and appealed to them as men, and as husbands to put themselves in Cochrane's place, and say whether they would not have done under the same circumstances just what Cochrane had done, he referred to the attack on the ladies present in the following words:

"It is provided by the fundamental law of our land that the trial of all cases shall be public. Civil liberty, and the protection of individual rights, demand that these trials shall be public. Not only are the proceedings in courts of justice public and private educators, but the sad experiences of hundreds of years have abundantly taught us that there is no safety to the liberty of the citizen when that liberty, or his rights, shall be inquired into in a corner and determined in secret. The public are here, and have been here. These proceedings have been open and in the sunlight; it is well that they have been so. This defense has had nothing to conceal; this distinguished Judge has had no ruling to make which he desired to make in secret. There has been nothing in the case, so far as we are concerned, that we would wish to have excluded one single second from the public gaze. My brother Cottrill has seen fit to criticise and comment upon the fact that the wives, and the mothers, and the daughters of Clark County have been present during this trial. Is there any thing improper in that, gentlemen? Will not the presence of your wives, and your sisters, and your daughters in court during the pendency of judicial investigations smooth down the rugged features of the trial, and bring us lawyers to a decenter and higher regard for the average proprieties of life than we would have if we barbarized among our own sex exclusively? Why should they not be here? This case involves questions very near and very dear to them. In this case are involved considerations of the sanctity of the marriage relation, of the purity of home, of domestic peace, honor, quiet, and tranquillity, and of the right to repel the invader of either. Who of all others are most interested in questions of this character? I make no doubt that it is because their hearts and their instincts, truer a thousand-fold than the mere abstractions of our reasoning, have told them precisely and surely what this case meant and the solemn issues which it involved."

Mr. Storrs urged upon the jury that practically, in every criminal case, they decided the law as well as the facts beyond the power of reversal or appeal when they found a verdict of not guilty, and that in every case they would find it exceedingly difficult to separate law from fact. Theirs was the final responsibility, and no human being could interfere with them in discharging themselves of it. He claimed that the State had utterly failed to show a premeditated design on Cochrane's part, their witnesses as to his declarations of intent being impeached by the overwhelming testimony of the best citizens of Grand Rapids, and the evidence of these witnesses being squarely denied by the defendant himself. On the other hand, every fact which the defense had proposed to prove had been amply and conclusively established.

The popular sentiment being so strongly in favor of Cochrane, the charge of Judge Newman was somewhat of a surprise for its severity against the defendant. It was, in effect, a direct charge for a conviction. He told the jury that there was no evidence to bring the shooting of Hayden within the legal definitions of justifiable or excusable homicide; and, replying to the argument of Mr. Storrs, he said that though the jury had the power to disregard the instructions of the court as to the law, they had not the right to do so. The law had provided redress for the wrong done Cochrane, and he could not be permitted to wreak his own private vengeance.

The jury were out twenty-four hours. From the beginning of their deliberations, they stood eleven to one for acquittal; and it was only after a night of durance in which beds and other comforts were denied them that they became unanimous, and returned into court with a verdict of not guilty.

Their verdict had been anticipated by the public. As soon as it was delivered, and Cochrane came out a free and vindicated man, the people of Neillsville thronged the streets from the court-house to the hotel to congratulate him as he passed along, and surely never before had a person on trial for murder such a triumphal reception on his deliverance. The ladies of Neillsville, who had sustained him by their presence all through the trial, improvised an elegant lunch in honor of the jury, of Cochrane, and of his counsel. The ladies themselves acted as waiters, and

congratulatory speeches were made by Messrs. Storrs and Webb, of counsel for the defense, and by General Dodge, formerly United States Senator from Iowa, who hailed the verdict as an honor to human nature. Mr. Storrs in his speech said that the result showed that courts and Legislatures in vain opposed themselves to the instincts of our common humanity, and praised the ladies for being as usual on the right side. At Merrillon the defendant and his counsel were greeted with a serenade by a local band; a torchlight procession at Grand Rapids demonstrated the satisfaction with which his fellow-citizens there received the news of Cochrane's acquittal. And so, amid flowers, festivity, music, and fireworks, this celebrated murder trial came to what the good folks of Western Wisconsin no doubt considered a fitting termination.

The Chicago, St. Paul, and Milwaukee papers gave full reports of the trial, and the Chicago *Times*, commenting on the case, said:

"The acquittal, under the circumstances, is without a parallel. In the Cole-Hiscock case, the defense of insanity was in for all it was worth, and it was on that ground alone that the defendant was acquitted. In the Sickles case the defense of insanity was in for all it was worth. In the McFarland case, and in fact in all three of those cases, by the law of the states where they were tried, the jury were made the judges of the law and the facts. But in this case all evidence tending to show insanity was excluded, as well as all evidence tending to show a diseased condition of the brain, whether it amounted to insanity or not; and there being no statutory provision making the jury the judges of the law, the court assumed absolutely to direct them as to the law.

"This case furnishes about the only case on record of a square deliverance without any insanity dodge, so-called. It was a direct assertion by the jury that under such circumstances as appeared in this case, the slaying of the seducer of a man's wife is justifiable homicide.

"This seems to be human nature, and while the courts have been butting against it for a great many years, nothing has been, so far, hurt by it but the heads of the courts."

Hardly had he had time to settle down again to office practice, after taking part in the Chicago obsequies of President Garfield, of whose death he learned while journeying homeward from Neillsville, before he was called upon to engage in another trial of a similiar character,—the defence of a man accused of murder,—in which the details were also of a very painful character, and in regard to which local feeling ran so high

that Mr. Storrs ran the risk of actual bodily injury, and possibly death, at the hands of the deceased man's friends. The case was similar in many respects to the Cochrane case, but widely dissimilar in the expressions of popular feeling both during and after the trial. Instead of an audience of sympathetic ladies, he had now to encounter a mob clamorous for vengeance on the defendant, and ready to enforce lynch law.

The accused, Porter C. Ransom, had been twice Mayor of the City of El Paso, in Woodford County Illinois. The man he killed was Henry W. Bullock, a lawyer of the same place. The troubles between them grew out of political differences. Both were Democrats, but Ransom was a New Yorker and loyal to the Union, while Bullock was a Kentuckian of the "Copperhead" stripe. In the county convention in 1868 Ransom and his friends supported one nominee for a local office, while Bullock and his adherents favored another. The candidate supported by Ransom obtained the nomination, and from that time forward Bullock became Ransom's avowed enemy, never omitting an opportunity from day to day, in saloons on the streets, and in all public places, to vilify and traduce the man to whom he principally owed his disappointment. Matters ran along this way till Ransom was elected for the second time Mayor of El Paso, in 1878. Up to this time he had been highly respected in the community, had been twice elected Justice of the Peace in a rural township, and had already served with credit one term as Mayor. But now a cloud appeared on the horizon of his reputation. In his green youth, in New York State, he had married a woman nearly twice his own age, and, after living unhappily with her for a brief period, he left the homestead in her possession and came West, to begin life anew in the State of Illinois. His New York wife soon consoled herself by marrying another man, to whom she bore five children. Thirty years had elapsed since this episode of his youth, and Mr. Ransom was again married and had a family in El Paso. The second husband of his former wife having died, she started inquiries about Ransom, and having discovered that he was the chief municipal officer of a thriving Western city, she



began proceedings against him for alimony and divorce. It was blackmail that was wanted, and Bullock was hired as the local attorney to carry on the proceedings.

Inspired by political and personal hatred of the man, Bullock was not content with proceeding against him in court, but made use of the knowledge he had gained through this suit to vilify and abuse Ransom throughout El Paso. He succeeded in creating such a reputation for his opponent that when Ransom came forward as a candidate for a "third term" of the Mayoralty, in the spring of 1881, he was rejected by a slight majority.

Friends interposed to persuade Bullock to cease his attacks upon Ransom. An old gentleman, one of the first proprietors of the land on which El Paso was built, went at Ransom's request to ask him to desist from his public abuse, and, as he said on the trial: "He requested that I should see Mr. Bullock and reason with him and try to get him to stop the public abuse on the streets. He made this remark, that so far as being the attorney on the opposite side in the case for alimony was concerned, that was all right. He did not care anything about that, but the public abuse on the streets was what he objected to. He told me to say to Mr. Bullock all that was past he would forgive, and shake hands with him if he would let him alone. I saw Mr. Bullock in a day or two afterwards and stated what Mr. Ransom had requested me to do, and Mr. Bullock's reply was: 'Gibson, I will never let up as long as I live; I will follow him to the penitentiary or to hell.'"

The failure of Mr. Gibson's mission was communicated to Ransom, and he then knew that the quarrel must go on to the bitter end. In the meantime his second wife had died, his home was desolate, and he was preparing to sell off and leave El Paso, when the fatal altercation came. On the evening of the 2d of May, 1881, he was coming down to keep an appointment with the Hon. T. M. Shaw, of Lacon, his attorney in the alimony suit. Passing along on the main street of El Paso he found Bullock in conversation with another man, and just as he passed Bullock made an insulting remark in reference to him. Ransom turned and asked for a retraction,

and Bullock merely retorted by saying twice over, "I never take anything back, you damned old thief." Not content with these opprobrious words, he rushed upon Ransom, seized him by the throat, and pressed him up against the wall. Ransom fearing for his own life, shot his assailant, and the wound was fatal. Hardly realizing what he had done, Ransom went on to the hotel in El Paso, where he had appointed to meet Mr. Shaw. Having told that gentleman what had occurred, he went out and surrendered himself to the Marshal.

The slain man, notwithstanding his roughness, his addiction to drinking and vulgar language, had made himself popular with a certain class in that community. He was both an inveterate hater and an enthusiastic friend. Consequently his death excited strong feeling in El Paso, and throughout the adjoining townships where his father's family had been settled ever since the county was laid out. Two of his brothers had held the office of Sheriff of Woodford County. The deceased man had by his freehandedness and liberality in saloons and elsewhere won for himself a large following among the lower classes. When Ransom was locked up in the calaboose of El Paso that night it was deemed necessary to place a guard over him to prevent mob violence, and he was speedily removed after the Coroner's inquest to the County jail at Peoria, whence he was removed to Lacon, a change of venue from Woodford County having been taken.

The trial commenced at Lacon before Judge Burns on the 16th of January, 1882, and extended over three weeks. Three entire days were consumed in getting a jury. The prosecuting attorneys of Woodford county, where the shooting took place, and of Marshall county, of which Lacon is the county seat, were reinforced by a criminal lawyer who in his day had considerable notoriety,—Mr. W. W. O'Brien. This gentleman, down to the last few years of his life, had practised law in Peoria, and it was in his office that Henry Bullock had read law as a student. He had been so long accustomed to priority at the Peoria bar that his manners were aggressive, not to say belligerent; he had drawn a pistol on a country attorney who opposed him in a murder case in an adjoining circuit; and his bullying and overbearing ways were not only tolera-

ted, but won him deference, in the rural courts where up to this time he had been chiefly known. But in Mr. Storrs he met more than his match. It was amusing to see, day after day, this blustering Hiberian giant attempt to lead his witnesses to give incompetent answers to improper questions, and the slim, wiry little advocate for the defendant, thoroughly cool and self-possessed, promptly check the words on the ready witness' lips, with "Wait a moment, sir; I object." Thereupon a duel of words,—it could hardly be called a debate, for the logic and the law were all in the quiet, incisive speeches of Mr. Storrs, and mere noise and sophistry on the other side,—would occupy the time of the court for nearly an hour, at the end of which Judge Burns would try to throw oil on the troubled waters by suggesting a form of question which brought Mr. O'Brien a little nearer to his object, without letting in incompetent testimony. Mr. O'Brien generally adopted the suggestions of the Court, led the witness as far as he could by this means to give the answer he desired, and then coolly propounded the same leading question over again, to be met with Mr. Storrs' ever ready objection. On one of these occasions, after arguing his point with his usual persistence, Mr. Storrs said: "I do not wonder that the learned counsel should disregard, as he habitually does, the admonitions of the Court, for in his practice he has been more accustomed to address his prayers to the angel of mercy than to the goddess of justice." Mr. O'Brien's practice was almost entirely in the defence of criminals, and his appearance on the prosecuting side was a rare occurrence, his services on such occasions being generally secured by subscription among his own countrymen for vindictive purposes. In this case he appeared as the personal friend, companion, and avenger of Bullock. The point of Mr. Storrs' reference to the angel of mercy, and Mr. O'Brien's unfamiliarity with the goddess of justice, was at once appreciated. Mr. O'Brien lost temper, and endeavored again to press a question which had been repeatedly ruled out; the Judge again attempted to dispose of the objection by suggesting another form of question. After allowing this to go on several times, Mr. Storrs at last found it necessary to insist peremptorily upon his objection. Mr. O'Brien retorted by saying,

—"I see an organized purpose here to object to everything and to embarrass me in everything I say." Mr. Storrs replied,—"There is a purpose, growing out of our duty, to object to every question that Mr. O'Brien puts to any witness which we think is improper in form or in substance. I believe Mr. O'Brien is entirely conscious that a great number of the questions which he has addressed to this witness, to which we have objected, and the objections to which the Court has sustained, are improper questions. I don't believe he intends to play pranks with the Court, but if I did not know him better I should think that was his object." Whereupon Mr. O'Brien, drawing himself up to his full height, exclaimed, "Then you put it upon the charitable ground that I don't know any better?" To which Mr. Storrs responded, "I know you know, better, but I think you woke up this morning in excellent spirits, and are working them off in that way."

Later on, Mr. Storrs objected to Mr. O'Brien's making a *post-mortem* argument on a question which the Court had already decided against him. Getting tired of pressing objections to leading questions, he said, "The only thing I care for is that the jury may be able to distinguish between the testimony of Mr. O'Brien and that of the witness." The Court having again suggested a form of question which would get around the objection raised, Mr. Storrs, with great suavity, made an appeal for a positive ruling. "There is one thing," he said, "which I would like to suggest here, with great deference to your Honor. We will be very glad to avoid the assistance which Mr. O'Brien derives from the excellent suggestions which your Honor has made as to the manner of putting questions. It is very kind of your Honor; they are very good suggestions; that is the trouble with them. It increases the number of counsel, for the time being, for the prosecution." Judge Burns, coloring a little, said, "I do not mean to become a counsel." Mr. Storrs replied. "I know you do not; but it is a case where the spirit is willing and the flesh is weak. We suggest, with the utmost deference, that it would be better if the case would take a little less educational form, and not be quite so much in the nature of a *law school*, but more in the character of a *law suit*."

"Well, sir," said Judge Burns, "can you suggest any form?" "Yes," retorted Mr. Storrs; "we suggest the entire abandonment of this question, as the only proper way to dispose of it."

It is impossible to convey to those who were not personally acquainted with both these lawyers, the ludicrous contrast they presented in this strife of words. "Billy" O'Brien, as he was familiarly called, was over six feet high, and weighed about three hundred pounds; Emery Storrs was not above five feet, and weighed about a hundred and thirty. The ladies of a Methodist church had gotten up a bazaar for church purposes in Lacon, and sold a very substantial lunch every day about the hour for adjournment of the court. They had not, of course, an opportunity of seeing Mr. Storrs in court, and when an invitation was sent him to take his lunch at the church bazaar, they were on the outlook for an athlete of the proportions of Mr. O'Brien. One day during the trial, Mr. Storrs walked quietly in with one of the associate counsel, took his lunch, and retired as unobtrusively as he came. The church ladies were sorely disappointed when they learned that he had been entertained by them unawares, and could not be made to believe for some time that "the little man who had fooled them" was holding his own so bravely up at the court-house.

Sometimes the encounter of wits between Mr. O'Brien and Mr. Storrs took a pleasanter form. One witness who had testified to Bullock's threats against Ransom was being cross-examined by Mr. O'Brien, who put to him the question, "Did he say he was going to send him to the penitentiary?"

The witness answered, "He said he was going to send him to hell. I do not know how he would get him there." Mr. Storrs said, "The penitentiary holds the same relation to hell that the Sunday-school does to the church; it is a kind of vestibule." Another witness was the engineer at some works at El Paso, and was giving his testimony in a very deliberate and cautious manner. Becoming impatient at his slowness, Mr. O'Brien said, "Come, sir, you say you drive an engine; can't you get on a little faster?" Mr. Storrs was instantly ready with a repartee: "You forget," he said, "that this witness runs a stationary engine."



Judge Burns conducted the trial with great dignity, but it was with the utmost difficulty that order could be preserved in the court-room, owing to the disorderly behavior of the El Paso mob, who cheered Mr. O'Brien and kept up a continual clamor while Mr. Storrs was speaking. As eye witness, reporting the case for the Chicago *Tribune* said:

"Rarely has such a scene been witnessed in any civilized part of the United States as was exhibited in the Lacon court-room. In the wildest frontier towns of Texas, Arkansas, or New Mexico, no more savage and belligerent crowd of half-civilized roughs thirsting for blood ever congregated and attempted to overawe judicial proceedings by their indecent demonstrations. While the State's Attorney of Woodford County quietly and impartially played his little part, Mr. O'Brien was turbulent and aggressive, brow-beating the Court, appealing to the sweet voices of the mob, and nothing but the calm diplomacy of Mr. Storrs could have prevented an outbreak of violence in the court-room. Threatening letters by anonymous hands were sent to the Judge during the last days of the trial, and a conspiracy to do bodily violence to Mr. Storrs was discovered by the Sheriff of Marshall County only in time to prevent its being carried into execution. The Court, however, carried the trial to its close with immovable dignity. The case was given to the jury on Friday night, after a tedious investigation of three weeks, and on Saturday morning on the coming in of the court the jury returned a verdict of not guilty,

"From the time the jury were instructed and retired there was no serious disagreement between them. Before 8 o'clock in the morning counsel were notified that the jury had agreed. Having been advised that writs had been issued on trumped-up charges to arrest and take Ransom back immediately after a verdict in his favor, he was not discharged, but returned to jail, where he was visited by a great many of the leading citizens of Lacon.

"It is only just to say, in reference to the scenes of disturbance in Court, that the pretty village of Lacon contributed nothing towards them, nor can these tumults be ascribed to the order-loving portion of El Paso or Woodford County. It is also but just to say that it was owing to the prompt and most positive interference of Mr. O'Brien that the scheme for arresting Ransom and running him off into Woodford County, there to do him violence, was not carried into effect. He denounced it at once, and it was abandoned."

As was the case at Neillsville, Mr. Storrs was permitted to reserve his opening for the defence until after the State had closed their case, and in reciting the circumstances of the homicide and setting forth the theory of self-defence, he took the opportunity to review the evidence for the prosecution. Mr. O'Brien indignantly protested against Mr. Storrs being thus

allowed the privilege of two replies on the part of the defence, and animadverted severely upon this in his closing argument. He was doubly chagrined when, as appears to be the practice in the circuit to which Woodford and Marshall counties belong, the instructions to the jury, after being passed upon by the Judge, were read by counsel on either side instead of by the Judge himself. This afforded Mr. Storrs another splendid opportunity, of which he seized the full advantage. The instructions given on behalf of the State were read by Mr. Newell, the State's Attorney of Woodford county. Mr. Storrs had an adroit way of incorporating into his instructions the salient facts of the case on which he relied for a verdict, and had marshaled his instructions in their logical order, so that when he came to read them to the jury, with all the magical power of his penetrating voice and rhetorical emphasis, the reading had all the force and effect of a closing argument for the defence. He read from a printed copy. Mr. O'Brien had not been prepared for this procedure, but when told that it was the regular practice, was obliged to submit, and listened in grim silence to Mr. Storrs' closing declamation.

The conspiracy to assault Mr. Storrs was formed among some of the El Paso witnesses for the State, whom he had handled severely on cross-examination, and castigated unmercifully in his opening argument. For some days, these men watched their opportunity to waylay him as he walked from the office of his colleague, Mr. Shaw, to his lodgings on the outskirts of the town. As they patronized the saloons of Lacon pretty freely, their conspiracy leaked out, and came to the knowledge of the Sheriff, who appointed a number of special deputies to "shadow" Mr. Storrs, and see that he came to no harm.

As soon as the news of Ransom's acquittal reached El Paso, an indignation meeting was held, at which resolutions were adopted declaring the act of Ransom to have been "a deliberate, cold-blooded, and cruel murder," that the verdict had been secured "by a manifest and conscienceless distortion of facts by his lawyers and the partial, unfair, and unjust rulings of the Court, and the biased and most extraordinary instructions to the jury," declaring Mr. Storrs' conduct, and that of his

colleagues on the trial, "simply infamous," and calling upon Judge Burns to resign. The correspondent of the *Chicago Tribune* was also denounced for his description of the mob in the court-room, who were declared to be "the most orderly and law-abiding citizens of this community, men who could by a word have had Ransom hanged to the nearest tree, but who counseled moderation and the invocation of the law for his punishment." After this flattering account of themselves, these moderate men resolved that lynch law was after all the preferable way of disposing of such cases. The meeting was addressed by three gentlemen with "Rev." prefixed to their names, presumably ministers of the gospel, all of whom advocated lynch law, and passionately denounced Ransom, his attorneys, and Judge Burns especially, in not overdecent language. Some of the attorneys engaged in the prosecution were present at the meeting, but they very properly declined to take any part in the proceedings. Judge Burns did not resign.

Mr. Storrs soon found occasion to realize the advantage of keeping a copy of every paper, and a transcript of every argument made by him in the trial of a case. Changing only the names and dates, he used the selfsame printed copy of instructions that he had presented in the Ransom case, in another murder trial in which he was engaged in the spring of 1883. Two notorious sporting characters, Jerry Dunn and Jim Elliott, had a falling out in the beginning of that year, and each was goaded on to enmity against the other by the manner in which the sporting reporters of the Chicago morning papers wrote up their "interviews." Elliott was a pugilist, and Dunn figured on the turf and in gambling circles. Elliott, on the day of their fatal encounter, had been about saloons in Chicago, breathing out threatenings and slaughter against Dunn; and Dunn, when cautioned to avoid him, showed a pistol, and boasted that he was quite prepared for the meeting. On the evening of the first of March, 1883, Dunn went into a restaurant on Dearborn street, kept by one Langdon, and found Elliott sitting there with a professional oarsman named Plaisted. He at once drew his revolver, and began shooting at Elliott. Whether both men fired at each other on sight, or whether Dunn was the first to open hostilities, could not be determined from the evidence, for on both sides

there was on this point some very free and easy swearing. The two ruffians clinched and fell on the floor of the restaurant, and while scuffling there, Dunn emptied his revolver into Elliott's body, and killed him. Dunn was arrested, indicted for murder, and his trial began in the Criminal Court of Cook County, before Judge Smith, on the 7th of May of the same year. The State's attorney, Mr. L. L. Mills, rather took Mr. Storrs by surprise by the conciseness and brevity of his opening. He merely stated the law of the State of Illinois as to murder, manslaughter, and justifiable homicide, taking care to impress upon the jury that the test of justifiable homicide was not what the defendant might have thought, or might say he thought, as to the danger of bodily injury to himself, but what a reasonable man placed in such circumstances would think; and contending that in order to justify the homicide, the danger must be imminent, and manifested by some overt act on the part of the deceased. Mr. Storrs, in accordance with the Cook County practice, made an opening speech for the defendant, following Mr. Mills. He cautioned the jury to dismiss from their minds all prejudice that might have been engendered by newspaper reports.

"I recognize," he said, "as thoroughly as it is possible for any man to recognize, the force of a well informed and intelligently advised public opinion. I believe that it is pretty nearly always right upon the premises upon which it is founded; but it will be a sad day in the history of our institutions, and for the preservation of any interest which we hold dear, when this fictitious and frothy public opinion, generated from malicious falsehood, shall enter into the jury box, or to any extent usurp justice in the performance of her duties."

He then gave a sketch of the careers of the two men, describing Dunn as a patriotic soldier of the Union, but failing to give any satisfactory account of him since the close of the war, and hastily dismissing that part of the subject, tracing Elliott's criminal record, and characterizing him as a thief, a midnight robber, and an assassin,—a man with whom the decenter kind of professional pugilists refused to associate. Next he spoke of the warnings Dunn had received that Elliott was lying in wait for him; claimed, as he had done in the Sullivan and Ransom cases, that Dunn had a right to arm himself for his own protection; and cited authorities in support of the doctrine of self-defence, from jurists who, he said, were not "judicial eunuchs" in any

sense, but were masculine and manly at all points. He appealed to the jury to say whether they would wait for an overt act before putting themselves in an attitude of defence, and claimed that the mere presence of Elliott, after the threats he had made, was of itself an overt act, justifying Dunn in shooting, as much as if he had met a panther in his path.

The testimony as to the commencement of the duel was conflicting, but Mr. Storrs had an abundance of witnesses to prove the threats that Elliott had made, and also the dangerous and desperate character of the man. State's Attorney Mills had records from New York and Philadelphia, and police officials from both cities, to prove Dunn's record since the close of his patriotic services in the field, as an offset to the testimony against Elliott's character; but Mr. Storrs very sagaciously decided not to put Dunn on the stand to tell his own story, and thus an interesting cross-examination was cut off, and this class of evidence was shut out. Judge Smith approved and gave all of Mr. Storrs' patent instructions on behalf of Dunn, but the admittedly bad and dangerous character of Elliott had also its weight with the jury, and Dunn was acquitted.



## CHAPTER XLI.

### HISTORICAL CHICAGO.

LECTURE ON BEHALF OF THE HISTORICAL SOCIETY—AN EFFORT OF LASTING INTEREST—THE HEART OF A GREAT EMPIRE—CHICAGO'S FAMOUS HISTORIC WIGWAM—THE GREATEST LOSS SUFFERED IN THE GREAT FIRE OF 1871—THE PAST, THE PRESENT, AND MR. STORRS' IDEAS OF THE GARDEN CITY—FACTS AND FANCIES.

ONE of the most irreparable losses inflicted upon Chicago by the Great Fire was the destruction of the Historical Society's building. Organized in 1856, the purpose of the society was to collect and preserve all writings or articles which might in any way pertain to the history of Chicago, or of the North-west. The last pamphlet statement of the condition of the organization published previous to the Great Fire, namely the statement of 1868, showed that in the modest structure, known as the Chicago Historical Society building, there were at that date more than 15,000 bound volumes of a historical nature, 1,700 files of newspapers, 5,000 manuscripts, 1,200 maps and charts, and an excellent collection of paintings and portraits; the buildings and grounds were valued at about \$60,000. It was claimed, also, that the library was almost complete in the documents and publications of the United States government in every department, from the date of the Constitution. Among the treasures were such priceless documents as that of Lincoln's original manuscript copy of the Emancipation Proclamation, but they were destroyed by the holocaust. In addition, a debt was left to be wiped out by such men as the late Isaac N. Arnold, Mark Skinner, the late Thomas Hoyne and the Hon. John Wentworth, a debt contracted in completing the hall which had been burned; but December, 1882, found this sum fully paid, the organization free

from debt, the owner of a corner lot upon which to erect an appropriate edifice, and with bequests for books and other purposes exceeding in value \$75,000; it also found the organization trying to crowd into inadequate quarters a rapidly acquired and rapidly increasing collection of valuables, including over 30,000 volumes relating to history, biography, and statistics. It was, accordingly, a tribute to the rare powers of Mr. Storrs—a most direct acknowledgment of an almost phenomenal fact in life that a prophet should be honored at home; but a fact, it may be added, which was again and again made manifest by nearly every organization, whether political, religious, or otherwise, in the city of his choice—that the Chicago Historical Society, one evening of November, 1882, unanimously adopted the following resolutions: “*Resolved*, that the President and Executive Committee of this society be requested to invite the Hon. Emery A. Storrs to deliver a lecture before this society at his convenience on such a subject as he may select, the proceeds of which shall be appropriated toward the erection of a new building for the society.” The reply of Mr. Storrs was as follows:

“CHICAGO, Nov. 28, 1882.

“The Honorable Isaac N. Arnold, President of Chicago Historical Society:

“MY DEAR SIR:—Your favor announcing the resolution of the Historical Society, inviting me to deliver a lecture for its benefit has been received.

“I certainly esteem it a very great privilege, as it will be to me a great pleasure, to contribute in any degree to the future success and establishment on a broad and permanent basis of so useful a society.

“It needs a home, and a fitting home; one in which the records of the great and rapidly growing city may be safely deposited and preserved for the present and for all the future.

“I gladly accept the invitation, which, on behalf of your society, you have extended to me, and would suggest Dec. 15, proximo, as a time which would entirely suit my convenience.

“I would name as the subject, ‘Historical Chicago; its Past, Present, and Future.’”

“Yours most respectfully,

“EMERY A. STORRS.”

The night named was one of intense cold, but a large and enthusiastic audience assembled at Central Music hall, and, in addition to door receipts, some \$25,000 was subscribed towards a fund of \$100,000 for a new Historical Hall. The lecture was as follows:

“Mr. President, Ladies, and Gentlemen: In no city in the world, and in

no city of which history gives us any record, so far as I am aware, can such a spectacle be presented as is witnessed here to-night—a vast metropolitan and cosmopolitan city of a population exceeding 600,000, with a commercial magnitude and extent even beyond its population, so young that scores of those who rocked its cradle at its birth are still living, and hale, hearty men, engaged in the active enterprises of the day and hour. Many of the founders of this city are here to-night. They saw the fields upon which this city stands when they were merely fields. They saw the stream upon which to-day floats a vast commerce when its waters were unvexed, save by the canoe of the Indian. They have seen what are now the sites of great business palaces when they were wild prairie fields. They saw the fields a village, the village a young and struggling city, and the young and struggling city finally the heart of a great empire.

“Of what other city can this be said? And the marvel of this is not confined to the city alone, but its growth has been only commensurate with the growth of the great country about it, and from which it has drawn its prosperity and greatness. Indeed, the story of a growth so wonderful must possess an interest for all the world: and whether the records from which that story is to be intelligently and wisely told are to be preserved by the men who have made and are making the history of this wonderful city, whether they are to be carefully gathered and placed in a fitting home, secure for all the future, is the question of the moment, and to consider and determine which this splendid audience has been gathered in this beautiful temple.

“Historical Chicago cuts no unimportant figure, and fills no unimportant space in the history of the world and of this generation. The Chicago of to-day rests upon every event, great and small, which has transpired since 1833, when first it was a village; since 1837, when first it dignified itself by the name of city; and hence it is true that what the Chicago of to-day really is cannot be determined upon an observation of what we to-day see, but must be extended back over those periods, beginning with its birth and tracing the history of its men and its events down to the present moment.

“The great events in the history of this wonderful city come thronging upon us, and hardly need to be recalled. It is said that its growth has been merely physical and material; that no poems have been written here, and that nothing has been done for art, but I think that those men who have within half a century builded an empire, who have within half a century, from a malarial swamp and a tangled wilderness, reared a great city, have made, in the empire and in the city, in its larger and broader sense, a poem as grand as poet ever wrote. It would astonish the old settler of Chicago to be told that he was in any sense a poet; but I must believe that, however hardy and rugged and matter of fact his life may have been, the man who fifty years ago looked upon leagues and leagues of unbroken plain and prairie and saw in them in the near future a great empire—that the man who looked upon a malarious and pestilential swamp and bog, and saw in it in the near future a great, thriving, splendid and prosperous city, possessed, although he knew it not, the true poet’s imagination.

'The forms of things unknown,  
Turned them to shapes, and gave to airy nothing  
A local habitation and a name.'

"Historical Chicago is the rude village of 1833. It is earlier than that; it is the strong, brave men and the resolute and helpful women who on the very frontier made that village. Historical Chicago is that growth, through all difficulties, which carried the village forward to a pushing and ambitious little city in 1837. It is that same resolute spirit, as hopeful as it was brave, which pushed, through difficulties apparently insurmountable, the young city, with its huts and cabins, resting on the shores of Lake Michigan, at the head of the chain of the great lakes, into a position so conspicuous that in 1848 it was deemed of sufficient consequence to hold a great national convention, where the improvement of our rivers and our harbors should be discussed and considered. It is the same city, pushed by the same men, backed by the resolute community of earnest men and women filling up the country about it, which went forward and forward until in 1854 and 1855 and 1856 it began to be known as a great grain market, its river thronged with the fleets of the lakes, and finally it anchored itself so strongly that not even the great financial panic of 1857 was sufficient to destroy it.

"Historical Chicago is that energy and forecast which from small beginnings made it the focal point for mighty railroad enterprises connecting the great lakes and the great Northwest with the seaboard. Its fame extended, because the men of Chicago noised its fame abroad. It was the home of Douglas: it was where Lincoln was glad to be; and here, in 1860, twelve years after the river and harbor convention, a great political National convention was held, which brought men from all over the country, and in its famous historic wigwam, Abraham Lincoln was nominated for the Presidency of the United States.

"But it was to be the theatre of another event, most startling and tragic in character, one which would appall the world, and the like of which in the extent of its calamitous consequences the world had never before witnessed. This great city, pushed forward to such a splendid position of material and physical greatness, stricken and devastated by flame and fire, by a conflagration so vast that thousands and tens of thousands of homes were destroyed in a night; hundreds and hundreds of the business buildings swallowed up in flame and smoke; thousands of families homeless and houseless, and prostrated in the ashes of her desolation—the great city, then even historical, losing none of her resolution, received, in such a fashion as makes her forevermore the debtor of all peoples and of all nations, the splendid benefactions and charities of the world. How the stricken city redeemed itself—how its men and women worked—with what noble heroism they toiled to rebuild their devastated city, and to restore their shattered fortunes, history will never weary of telling. Unappalled by this disaster, undismayed where it seemed that courage itself would have been dismayed, the old spirit of the old settler was in historic Chicago; and the destroyed city of brick has been rebuilt a city of marble.

"It is in no spirit of boasting that I recount these great achievements of Chicago. The commerce of Venice and of Carthage were playthings merely compared with the vast commerce of this city. Its granaries feed all the world; the smoke of its furnaces obscures the sky: its trade goes everywhere that human wants are to be supplied. The zeal and energy of its citizens know no limits. It stands midway between the two oceans, exchanging the products of the Orient for those of the Occident, and clasping the hands of the peaceful Pacific with those of the stormy and turbulent Atlantic.

"The Chicago of to-day is made up of all the events of the Chicago of the past: and the Chicago of the future will be in kind such as the Chicago of the present is. It has been wisely said that all history is merely aggregated biography, and there is no great, worthy event connected with the birth and with the growth of Chicago which has not entered into it and makes a part of it. Carlyle has profoundly and beautifully said:

"Under the green foliage and blossoming fruit trees of to-day, there lie rotting, slower or faster, the forests of all other yews and bays. Some have rotted fast, plants of annual growth, and are long since quite gone to inorganic mold: others are like the aloe; growths that last a thousand or three thousand years.'

"Historical Chicago has from the beginning been, and still is a thoroughly typical and representative city. Its growth and development result not merely from the resolution and energy of its own citizens, but the spirit which it embodies is the spirit of the entire North-west. Nay more; it is the chosen theatre where enterprise from all parts of the country, finding abundant opportunities, exhibits itself in its largest fields. Chicago represents the thrift and sagacity of Boston and of New England: it represents and has incorporated the broad commercial characteristics of the city of New York and of the Empire State: it represents the industrial energies of the old Keystone, and the personal and individual independence of the South. Chicago is business enterprise on a large scale embodied: and the enterprising man, no matter where he may be born, is naturally a citizen of Chicago, for the spirit of enterprise which is in him and distinguishes him finds abundant sympathy in the spirit of the great city. If there is any virtue which our city especially represents and stands for, it is that of active industry and honored labor. Large and rich as it is, it is one of the few cities in the world, and perhaps the only city in the world, where leisure is not quite creditable. No amount of individual wealth, here in Chicago, excuses from personal activity of some kind or other; and so thoroughly is work and zeal in the atmosphere, that the indolent man may be born and bred here, and yet he is out of joint with all his surroundings, and is not in its true sense a citizen of Chicago.

"This analysis of what Chicago really is, is stranger than you may think, and the truthfulness of the analysis, I am sure, is recognized the instant it is stated. But Chicago has achieved something more, and I think, worthier, than its great material growth. It has, as a city, made a magnificent character for sterling and masculine probity.



"Under a necessity which seemed imperative, it was deemed wise to issue, many years since, several millions of dollars of what were called certificates of indebtedness, and these certificates passed into the hands of innocent holders for value. Subsequently the courts declared these certificates absolutely illegal and void. The courts declared that there was no binding obligation upon the city of Chicago to recognize or pay them. These evidences of indebtedness bound nothing but the honor of Chicago; but that was enough; and forthwith every municipal expenditure was retrenched, all municipal salaries reduced, and with an accord substantially unanimous, the people of Chicago proceeded to pay, long before its maturity, in order that there might be no stain upon its good name, this indebtedness which bound nothing but its honor. No city ever made a finer record for itself than this; and I insist that history shall preserve this record as among the proudest and worthiest of its achievements.

"The night might be spent in recounting such worthy deeds. Assuredly, it would be a shame and a dishonor, should the records of the city not be kept, and should the materials out of which its history may be written in the future, fail to be preserved. Assuredly, it would be a shame and a dishonor if this marvelous growth which I have thus hastily outlined took no higher form than that of bloated commercial and business growth. Assuredly, it would be unworthy of the spirit of historical Chicago, that it should have nothing to show for the future but piles of boxes and bales, nothing but vast granaries of wheat, and löwing herds, or countless droves of swine. Assuredly, the real Chicago of which we are proud, means to have some other story to take down to the future. It will omit none of these; but it does mean that out of this marvelous physical growth and prosperity there shall be developed a culture as splendid and as great as the material prosperity which has made that culture possible.

"The custodian for all these priceless treasures of this worthy history is the Historical Society of Chicago; and when I tell you how it began, how strugglingly it has grown, and how bravely it has maintained itself against disasters that would have dismayed ordinary men, when I put this society by the side of great achievements dedicated to trade and commerce, I think that we will be agreed, all of us, that Chicago, in what it has done for the preservation and perpetuation of its history, has not worthily acted up to the standard of its real character and greatness.

"The Historical Society was organized in the year 1856, its purpose being to collect and preserve all matters of historical interest, not only with reference to the city of Chicago, but the entire North-west. There has been no name prominently connected or identified with the Historical Society, from its commencement down to to-day, that is not, itself, so far, at least, as Chicago and the North-west are concerned, an honored and historic name. Its first president was William H. Brown.

"Walter L. Newberry, Edwin H. Sheldon, and Isaac N. Arnold, have been presidents from time to time of the Historical Society: William B. Ogden, Mark Skinner, Thomas Hoyne, John Wentworth, and scores of other good citizens have been prominently connected with it. Every name

has its history of honest achievements, and every name is intimately interwoven with the history of Chicago.

"In 1868, the Historical Society was on the high road to, as it seemed to be, a great prosperity. It had erected a building, modest in its character, entirely unpretentious, but which was commensurate, it was deemed, with its then present wants.

"The honored President of this magnificent meeting (whose name has been mentioned with distinction by England's most famous writer and historian, William H. Lecky,) delivered an address on the occasion of the opening of that new hall, in which he briefly and modestly recited the birth and the growth up to that time of the Historical Society of Chicago. He boasted then, as much as he ever boasts of anything, that in 1868 Chicago had a population of 300,000, and the showing which he made of the literary and historical treasures of the society at that time was indeed most gratifying. It then had over 15,000 bound volumes, over 1,700 files of newspapers, nearly 5,000 manuscripts, 1,200 maps and charts, and also, in connection with it, the famous Healy gallery of paintings and portraits. Its buildings and grounds at that time had cost about \$60,000. The library in the language of Mr. Arnold, was 'nearly complete in the documents and publications of the United States Government in every department,' from its organization down to that time. The value of this collection was incalculable. All this has been swept away.

"The new building was completed in 1867. At that time there were 703 bound volumes, and 834 unbound volumes and pamphlets in the library. The society has at present over 30,000 volumes—historical, statistical, and biographical. And this, in brief, marks the present condition of the society.

"Everything with the society went on prosperingly until the great fire came, and all these invaluable treasures were destroyed. Here and there, mere historic fragments were regathered. They were furnished a temporary home through the munificence and liberality of Mr. Scammon. The society had again started on its way, and in 1874 was again destroyed by fire. This second calamity would have dismayed and discouraged most men, but the promoters and the friends of the Historical Society of Chicago were too thoroughly imbued with the spirit of the great city to be at all discouraged. And so they went on, laboring under a load of debt, struggling against all sorts of adversities, but struggling wisely and bravely, until they finally succeeded, through the private munificence of some gentlemen connected with that worthy institution, in rearing the present building, which cost the munificent sum of about \$26,000. But a few days since, by private contributions, every dollar of indebtedness of the Chicago Historical Society was lifted from its shoulders, and there it is to-day, with its present treasures invaluable, full of fresh energy, and capable of splendid achievements in the future.

"But, fellow citizens, we who are not and have never been members of the Historical Society, are we not a little ashamed of it, that in this city, with its palatial places of business, with its magnificent homes, with

the roar of its traffic, the profits of which run up into the millions, the temple in which the records of our achievements up to to-day and for the future are to be preserved, has not involved an expenditure equal to that of the ornamentation and furnishing of a first-class saloon? Is there any citizen of Chicago proud of it, who does not feel a certain sense of self-reproach that these millions of wealth, and this enterprise which braves the dangers of all climates, and which encounters without reluctance all difficulties, should suffer the records of its own achievements to be thus tucked into an obscure corner, to be the sport of every accident and of every wind that blows? Do we not feel that the time has come when there should be some fitting memorial, in no way connected with trade, in no way associated with commerce, which shall not be touched by the spirit of profit or dividend—a memorial coming from the hearts of this great people, sufficiently splendid in its character and worthy in its purpose to mark the gratitude of our hearts for the charities of the world which we have received? And what more fitting memorial could possibly be reared than a building, strong and enduring, complete in every appointment, in which all the records of this great city, and of the great North-western empire which has made it, should be gathered and preserved? What worthier memorial than that such a building should at once be reared, where a great library might be gathered, where all the records of our great war, and the part which the North-west so honorably took in it, should be sacredly garnered and preserved—where the history of every worthy citizen should be recorded, and where each step of the marvelous growth which the city of Chicago made should leave its impress, so that all the future might forever be able to mark and distinguish it?

“The general purpose of the society cannot be better set forth than in the brief statement in its charter: which recites in forceful language that,

“‘It is conducive to the public good of a State to encourage such institutions as have for their object to collect and preserve the memorials of its founders and benefactors as well as the historical evidences of its progress in settlement and population, and in the arts, improvements, and institutions which distinguish a civilized community, and to transmit the same for the instruction and benefit of future generations.’

“We are ‘citizens of no mean city,’ and it is inconceivable that an appeal to us in furtherance of purposes so worthy as these should pass unheeded. No man who has led a useful life or achieved anything worthy of remembrance can lack that proper regard for the good opinion of those who are to come after him, which would inspire him with a desire to have the record of his life preserved and its story fittingly told. A city which does not care to have its records preserved, you may rest assured, has made no record worthy of preservation.

“The Chicago Historical Society, for the first time in its long and honorable career, appeals to this great and generous public to aid it in establishing itself upon a broad and permanent basis, and to erect such a building as will be suitable for its uses, and worthy of this city and

of this people. We can afford to stop long enough in the rush of our daily life to listen to and appreciate this appeal. The society has at its disposal a fund known as the Gilpin fund, which now amounts to over \$48,000. By the provisions of Mr. Gilpin's will, the income accumulated after ten years is devoted to the erection of a fire-proof library building, to be a part of a fire-proof edifice of said society when one shall be erected, to be in itself fire-proof, entirely distinct from any other portion of said edifice, though connected with it and forming a part of it, and to be designated the Gilpin Library of the Historical Society of Chicago. A portion of this income will become available for building purposes in 1884. The time has come when Chicago must in this direction do something worthy of itself. We can no longer plead infancy nor lack of means. We must not forget that a city may have a trade so extended that its fibers shall interlace the fate of kingdoms, and yet not be great. What seems to be prosperity is not always prosperous. What seems to be very great is sometimes very small and very mean. Business is not the chief end of man; nor does successful trade constitute the sum of human existence. The wonders of London are not its great business houses; more visitors throng Westminster Abbey, where lie buried the great of England's history, than its bank, where the wealth of the world and all the power of that wealth are found. The humble home in the quiet village where Shakespeare was born is a Mecca to hundreds of thousands, and the name Stratford-on-Avon is known wherever the English language is spoken or human genius finds a worshiper. The friezes of the Parthenon are still preserved to tell the story of the glory of Athens, but the dust and ashes of more than 1,500 years have buried from human observation all that ever was of its trade and commerce.

"It is time that we should pause long enough to make the inquiry whether our growth has been a well rounded, well proportioned growth and development; whether it has not been excessively in one direction, and that not the noblest nor the best direction. What, to represent the intellectual and artistic progress and advancement of Chicago, have we to place beside our enormous elevators and warehouses, our stock yards, our packing houses, our great wholesale houses and places of business, our splendid private residences? Our poverty in this direction becomes painfully manifest the moment we undertake to answer this question; for the answer must be—nothing. Our Public Library is in the upper stories of a business block, far from being fire-proof. The Academy of Sciences struggles painfully along, and leads a chilled and neglected life, in a rented home. We have practically no public Art Gallery. Our University, uncompleted, has struggled along through manifold difficulties, and barely survives. We have no great school, of art or science or music. How many in this pushing, prosperous city can tell me where the building of the Chicago Historical Society is located? Be assured that we shall never reach the full stature of a really great city until we have enlarged the field of our achievements, and made Chicago not only a point from which grain and cattle and lumber and



merchandise shall be distributed over half a continent, but also a center from which the light of a pure, intellectual and moral civilization and culture shall be disseminated.

"Our history, brief as it is, is studded with splendid events; but the melancholy truth is that even these are, for the lack of permanent preservation, fast passing into mere tradition.

"Let me turn back the page of our history twenty-two years. In those long ago days—long ago for this young city—a boy, fired with military ardor and inspired with the genius of military drill and organization, gathered together a few young men, and day after day, week after week, month after month, drilled them upon the lake shore, and finally we began to hear of Ellsworth's Zouaves. Almost unnoticed, even at home, this small military organization at once achieved a fame, which became world wide, and carried the name of Chicago with it. I recall with pride the triumphal tour which they made through the great cities of the Union, the wonder and admiration which their marvelous drill and discipline everywhere excited; and who that lived in Chicago at that time can ever forget the pride with which they were received, the whole city turning out to meet them on their return? At their head marched John Wentworth, a fitting representative of the young and tremendously energetic city. I think the proudest and the happiest man I ever saw was John Wentworth that night, and well he might be proud and happy. The city whose honor and whose good name he held as dearly as his own had achieved fresh laurels through the zeal and energy of her comparatively unknown boys. To the famous wigwam they marched, where thousands had gathered to greet and welcome them, and they were received and welcomed as they deserved to be received and welcomed, and as the large-hearted citizens of Chicago knew so well how to receive and welcome her sons who had reflected honor upon her. Very soon was this famous organization to pass into history. Its officers and its privates were found on all the great battle-fields of the rebellion, and the military spirit which it kindled spread through the whole North. Its boy organizer died very young, at the threshold of the rebellion, one of the first to die for his country. Colonel Scott nobly fell in the same great cause, and many others offered their lives for their imperiled country.

"One would suppose that a record so glorious Chicago would carefully gather and sacredly preserve. But where is the record? But a few days since Colonel Knox, one of the old Ellsworth Zouaves, brought to my office a scrap-book filled with the records of the Zouaves, the accounts published in the papers of the various cities through which they passed on their famous trip, and a history of the organization itself. In my estimate such material is priceless in its value. But where shall we preserve it? The proper custodian is the Chicago Historical Society; but it must have such a home that its treasures may be surely preserved from harm; and when such a home is furnished, as it will be, there will flow to it naturally every fragment of history from which the completed story of Chicago and the North-west may be told.



"Surely, one of the grandest events in our history was President Lincoln's Proclamation of Emancipation. The original document came into the hands of Mr. Arnold, and was by him deposited with the Historical Society. Who now would undertake to estimate the value of that document? But in the great fire it was destroyed.

"In connection with this great document, I recall another historic event in the annals of our city. We will remember how the minds of men were divided concerning the wisdom of the proclamation. Brave words must at once be spoken. The hands of the President must be strengthened. The legality and wisdom of that great measure must be made clear. A meeting was at once called at Bryan Hall, and such a gathering Chicago had rarely seen. Resolutions were prepared, setting forth the necessity for the proclamation, the authority of the President to issue it, and the reasons in support of it. These resolutions, adopted by that meeting, struck the keynote for the entire North-west and furnished the foundation upon which arguments in its support were based. I believe that we owe it to ourselves to preserve the records of that splendid meeting of Chicago's best men and women; and when the new building is completed, I will place among the treasures of the Historical Society of Chicago that record.

"No city in the country achieved a more honorable distinction for patriotic and practical devotion to the cause of the Union during the war than the city of Chicago; and recalling those stirring periods to my mind and to yours, the Union Defense Committee, organized from among our best citizens, occupies and should occupy in history a most distinguished and honorable prominence. This large committee of practical, patriotic, and zealous men entered with an enthusiasm into the National cause which was felt throughout the whole country. It organized a system for the filling up and recruiting of our armies, for the procuring of arms, for furnishing supplies to soldiers in the field, for encouraging and sustaining those who remained at home, and gave the President such assurances as he could not fail to appreciate and understand, that among the great body of the citizens of Chicago the cause of the government would find at all times, and under all circumstances, tried and trusted friends. I doubt whether the history of that famous committee has ever been collected or put into shape. Scores of its members are still living, active and honored citizens among us. No one who has the honor of Chicago at heart can feel otherwise than the necessity of rescuing from tradition the history of that great work, and saving for the admiration of our children and our children's children that story of clear-headed, high-hearted, resolute, and practical patriotism.

"In those eventful periods during the war, all distinctions of birth or previous nationality were obliterated. The name of Colonel Mulligan stands high upon the list of those who fell in the defence of an imperiled country, and if any duty is sacred, it is that Chicago shall treasure his among her honored names, and give the story of his noble and patriotic life and death an enduring place among her annals. I cannot fail to recall another notable event of that period. Stirred by a feeling common to all our countrymen, the Jewish citizens of Chicago, assembled at a great

meeting in Bryan Hall, and almost at the very threshold of the war, raised and completely armed and equipped a company of their own people, for the defense of our common country.

"But to recall and recount all the worthy achievements of Chicago during that period would be the work, not of an evening, but of days and weeks. Each one of us grows prouder of our city as we recount the great deeds which it has done; and we are all, I am sure, anxious that the record of these deeds shall not be permitted to perish. The time will come, if the material out of which history is wrought and poems are made is preserved, that a history whose pages shall glisten with worthy achievements, and the poem which shall recount heroic exploits, shall be written, telling what historic Chicago was.

"The brave spirit of Chicago during the war had not left us in 1871. I can never forget how, as we sat in the ashes and desolation of the city, resolute, noble men gathered where shelter could be found, even among smoking ruins, and proceeded to the business of the hour, and to the maturing of some scheme by which Chicago might be rebuilt. All the records of our courts had been destroyed; the evidences of title to property had been swept away. To a less sturdy and less practical community the condition of things would have seemed like anarchy. But there was no rioting in our streets. From the first moment the work of reconstruction began, liberal schemes were devised by which the machinery of the courts was at once set to work; foundations were laid for the restoration of our titles, and so wisely was this great work done that, looking back upon it, we can hardly perceive that there was a jar in the general current of those affairs. This history must be preserved. It is not only due to ourselves, but to the future, that it should be preserved. It is but common propriety that a people who have achieved so nobly and so largely should, when fortune has smiled upon them as she has smiled upon Chicago, when prosperity has been enthroned above all its business, remember not only itself but the future to come after it, which has the right to know that history, and take hope and courage from it.

"However much Chicago may have failed to perform the full measure of her duties in the cultivation and encouragement of literature and the arts, she has not failed in her charities. For charity's sake, Chicago was never appealed to in vain. Her hospitals, public and private, are an honor not only to the city but to human nature; and if the story of what Chicago has done to relieve the poor, the needy, and the suffering, the homeless, the friendless, and the orphan, could be half told it would reflect a lustre greater than was ever conferred by her proudest commercial achievement.

"Its capacity for intelligent self-government has been repeatedly demonstrated and its people never yet undertook to correct evils of municipal government, or frauds of administration, that they did not abundantly succeed. There is to-day an awakened interest in the individual responsibility of the citizen for good government, honorable to the citizen and pointing to results the most beneficent in the future.

"The imperial city, the youngest born of all the great cities of the world,

is old in what it has achieved. The sunshine of success illuminates its great enterprises, and prosperity sits enthroned, presiding over its marts of trade. The wildest dreams of its founders have been realized tenfold. In its generous rivalry with older cities it has again and again crowned itself with the wreaths of victory, and regnant like a queen, looking across the waters of the great lake, taking the sun full in its front, our beloved city sits, so young but so great, her brow decked with a shining crown, studded and jeweled with noble deeds.

"As I have already said, all these events, and thousands of others, to which I have not alluded, make the Chicago of the present. What shall the future Chicago be? In no worthy particular, less in any respect than the Chicago of to-day; in many worthy particulars, infinitely greater than the Chicago of to-day. My fellow citizens, we must remember that we are building a city, and making for it a character, not for ourselves alone, but for generations to come after us. What the Chicago of the next generation shall be it is for the Chicago of the present generation to determine. In what sort of city the millions who shall inhabit Chicago in the future shall live, the 650,000 people who inhabit Chicago to-day must decide. It is for none of us to unveil the future, nor to make the yet dumb days that are to come speak to us; but I think it requires no great gift of prophesy or inspiration to unseal those closed lips and have them tell us what the future of Chicago is to be. Into that future shall be projected all the nobility, all the heroism, all the self-sacrificing hard work, all the zeal, all the rugged, practical good sense of the Chicago of all the days that are past. Every one of these good deeds speak to all the future; every medal which recounts a worthy achievement, every monument on whose bronze or marble case is recorded the story of a noble life, is a message from the past to all the future. There is not a fresco brought to light from old Pompeii, buried 1,800 years ago, that does not speak with manifold voices to the peoples of the nineteenth century. There is not a battered banner of the war of the rebellion, there is not a truthful story of the worthy achievement of an old settler of Chicago, that is not perpetual in its influence, and is not addressed, voiceful and inspiring, even through all the centuries. We do not look far into the future but that we hear the tramp of millions of feet coming hitherward to fill up and occupy the fields of the fruitful Northwest. We hear in every breeze that blows, in the generations that are to come across the Atlantic, the winds that bring to our shores the countless thousands of the old world, looking for more prosperous and for freer homes. If we but listen, we hear the tread of advancing multitudes. They come to us, and we must be prepared to receive them. We see a great city stretching its arms across the prairie, with its streets thronged and populous, with its thousands and tens of thousands of contented homes, with its shops filled with busy and prosperous artisans, with its schools giving the benefit of a liberal and a free education to all who may desire it, its courts presided over by wise and just judges, its business centers inspired by the highest commercial probity, its manufacturers sending their products all round the globe, the white sails of its commerce glistening upon every sea, its religion

absolutely free, its patriotism as broad as the republic; we see it the center of sound political thought and action; and we shall, I am sure, see, rising in the presence and by the very side of warehouses and great business structures, fitting homes for music, the drama, and all the arts. We see it the resort, not merely of men who would trade, but we see trade itself inspired with the loftiest purposes. The scholar, the poet, the actor, the painter, the sculptor—all these we see in this future, and not so very far, seeking Chicago as a chosen home, because in the great city their music, their sculpture, their painting, are all welcomed, and all find ready and worthy appreciation.

"The Historical Society of Chicago is not only the proper, but I speak in no invidious sense when I say the only nucleus which we now have for this great future. The men who have spanned continents with their enterprise can make this society what it deserves to be, and they will make it what it deserves to be.

"My fellow citizens, the new building is to be erected. That decision is made beyond all power of reversal. The simple inquiry now is, Who shall have the honor of contributing toward it? Who shall take part in this great revival of letters, and the arts and sciences in Chicago? I answer, every man shall take a part, and that when Chicago is appealed to for such a purpose, and in such a cause, the response shall be as universal as the appeal is broad, and that the response which Chicago will make will be put up to the full measure of the merit of the cause to promote which they are asked to contribute. And when this splendid record finally comes to be made, not the smallest among the great events of its history will be not only what we this night achieve, but the influence which we this night put into active operation. Chicago is a patriotic city, but it has an intelligent and practical patriotism. We love our city not merely because it is busy and populous; we love it so well that we would not retain its blemishes nor encourage its faults; but we are brave enough and fair enough, and love it well enough to remove its blemishes and correct its faults. We shall live to see the realization of our fondest dreams and our highest hopes for this great city. We shall live to see it the center, not only of trade, but of the purest and highest intellectual exertion. We shall live to see monuments of the arts, great libraries, temples where history may be preserved all about us. And we shall live to see the day when every one who takes part in this movement will be thankful that he ever had such an opportunity, and when his children will thank him for what he did for the glory of this imperial city.

"Let the new building rise, worthy of its purpose and worthy of Chicago, on foundations strong, enduring, and it shall ere long gather within its walls a history as proud and as worthy as was ever recorded of any city of which historic annals furnish us a record."

Wednesday February

EXECUTIVE MANSION.

WASHINGTON.

My dear Mr. Storrs. <sup>the 14<sup>th</sup></sup>

Pardon my delay  
in acknowledging the  
receipt of your note of  
the 3<sup>d</sup> inst.

I thank you cordially  
for your kind expressions  
& good wishes.

With sincere regard  
for Mr. Storrs and  
yourself, I am always

Very faithfully yours

Chester A. Allen

Ernest A. Storrs Esq.  
Chicago Ill.





## CHAPTER XLII.

### THE CAMPAIGN OF 1884.

SCENE AT THE CLOSING OF THE CHICAGO REPUBLICAN CONVENTION—AN ORATORICAL ACHIEVEMENT—AN ELOQUENT SPEECH INSPIRED BY A TUMULT—SPEECHES ELSEWHERE DURING A CAMPAIGN OF FIVE MONTHS—BRISTLING WIT AT BOSTON, IN TREMONT TEMPLE—DEFENSE OF THE RIFF-RAFF OF THE WEST—OUR NATION'S SHAME—THE TARIFF QUESTION AGAIN—RECORDS OF TWO RIVAL POLITICAL ORGANIZATIONS—DEFEAT OF HIS PARTY, BUT FAITH IN THE FUTURE.

THE political campaign of 1884, though ending with defeat to his party, opened with an oratorical victory for Mr. Storrs. He had been an earnest advocate, both prior to the Republican national convention and as a delegate during its session, for the renomination of Chester A. Arthur whose presidential career had reflected dignity and honor upon the party; but true to his often-repeated expression that the will of the majority should rule in politics, when Blaine and Logan had carried the convention, he did not "sulk in camp" but at once joined in making the nomination unanimous and, the very night of the decision as to who should be the Republican standard bearers for 1884, began public work for the nominees. It was Friday night, June 6, the great auditorium in the Exposition building, in which the convention had been held, had been filled by a restless crowd assembled in the expectation of having some of the eminent orators in attendance speak in ratification of the nominations of the day, but the convention devoted itself to finishing the uncompleted routine business of the organization. Late in the evening, certain speakers arose and attempted to make addresses, but the now disappointed audience hissed them severally to their seats. A motion to adjourn had been carried, and a general movement

started for the doors, when a loud call was made for Robert G. Ingersoll. He was not present; and, then, there arose a cry for "Storrs! Storrs!" Said the *Tribune*, the following Sunday, "He was fairly carried to the platform, and, without any other inspiration than the excitements of the moment, made an address which will rival any of Ingersoll's brilliant efforts. It was full of sarcasm and humor, and as sparkling as a glass of champagne. His characterization of Blaine was admirably concise and to the point, and his arraignment of the Democracy was the most scathing and severe—and all the more severe because it was studded with humor and satire—that that party has ever been called upon to face." One reference to the Democratic party was:

"I have seen in one of their platforms that they propose to enter on business with no capital except the purity of their principles. Was there ever such a bankrupt concern with such a capital? They say that is all that they have to offer for the suffrages of the people. My God! my friends. A man that will work on these terms will work for nothing and board himself. Won't you think of that dear, delightful old daisy, if she could take physical form, which we call the Democratic party, entering into business upon the purity of her principles? She has kept a house of political ill-fame for more than twenty years. She has entertained every dishonest political notion and every disreputable political tramp on the continent during that period of time. I think I see her marching up to the ingenuous American citizen, with her shawl twisted around her shoulders, with brass jewelry in her ears, out at the toes, with a drunken leer of silly invitation in her eye, with maiden coyness; professing to do business on the purity of her principles. I would not for the world say anything disrespectful of the Democratic party. There are certain things about it that attract me; but I regard it a little as I do a waterspout, which I like to look at from a distance, but dislike to get too near to; and when I see one of its processions—and we will see many of them during this campaign—I feel about them as our old friend Strode, in this State, did when he described an experience of his own in the Black Hawk War. He said: 'By the dim light of the setting sun, on a distant eminence, I saw a hostile band. They were gentlemen without hats; I did not know who they were, but I knew d—d well they were no friends of mine.'"

The following description of the triumphant march of the Republican party aroused overwhelming enthusiasm, pronounced as it was amid convention excitement, and with all the unusual elocutionary powers of Mr. Storrs:

"The night is closing down upon us, the old diabolism of the Democratic party is not yet gone. Another convention will be held here next

month. Tilden will probably be nominated. It is possible that he is already dead, but, with the slyness and secretiveness of the author of the cipher dispatches, he might be dead two years and never let anybody know it. We will run substances against shadows. We will run living, breathing men, with bone, and flesh, and muscle, and appetite, against ghostly reflections such as he. They tell us that he may carry New York. New York is a great, practical, splendid business State. It was my great good fortune to be born there. It is the old Empire State. It stands like the angel of the Apocalypse, with one foot resting upon the sea and the other upon the land, the mistress of both. It has the spirit of Blaine and Logan in its bosom. The old Republicanism of that State which challenged the diabolism of Democracy thirty years ago has still within its heart the old undying and imperishable faith. It will carry this banner, you may rest assured, forward through the storms and fires of the conflict upon which we are about to enter to triumph and to victory. There may be those who will hesitate and falter by the roadside. There may be those who will weary in this magnificent march. The campaign is now upon us. We have no time for liniments or poultices. We cannot stop to heal the infirm. The lame men must fall behind, the cripples be relegated to the rear. The great, healthy, splendid marching of the Republican millions taking up this banner will place it, you may be sure, upon the topmost eminences of magnificent victory."

He told of his love for political warfare in the words:

"Music is in all the air. I feel its old pulsings in my very veins to-night. I know what this feels like, and I know what the awakened excitement and enthusiasm of a great and mighty party indicate. I hear the old songs of the old days. I see the old flag, with every star glistening like a planet, filling all the skies. I see the old procession formed. I care not where my place in that procession may be—whether it be up in the front, under the light of the blessed old banner, or down near the rear—I listen to the order 'Forward,' and I march, as you will march, with your faces toward the flag."

"Friday night," said the *Chicago Times* editorially, "there was a demonstration of the power of a bright and adroit orator over a vast and turbulent multitude such as is rarely witnessed. All the evening the convention had been in a state of disorder. The regular speakers who arose to second a popular nomination were greeted with cat-calls and yells of 'Time!' that were calculated to disconcert anyone, and that drove one or two speakers to their seats with their speeches unfinished. All the business of the session was completed. A motion to adjourn *sine die* had been carried, and the whole concourse was in motion toward the doors, and two or three thousand people had left the hall. At this time Mr. Emery Storrs was brought to the platform and commenced

to make a speech. To a large portion of the people present he was unknown. He caught the attention of the people nearest to him with a few words, and the outpour was checked. Some degree of order was secured, and he went on. The throngs manifested some interest. Presently the six or seven thousand people in the hall, who were on their feet to go out, and most of whom were up till 2 o'clock the previous night, and who had been too restless to listen respectfully to the regular speakers of the evening, sat down. For more than half an hour Mr. Storrs went on with one of his characteristic campaign speeches, full of apt illustrations and bright points, and the audience sat through it with the utmost order and attention, and the only calls made by Mr. Storrs' auditors were to 'Talk this way!' when he turned toward the stage, and to 'Go on!' when he made a movement to stop. In catching a large, disorderly, and tired crowd on the wing, so to speak, and not only holding its attention but eliciting cries for more, Mr. Storrs won an oratorical success that is not often achieved."

The campaign work thus taken up, Mr. Storrs found it impossible to push aside until the months which intervened between that date and the day of election were passed. Blaine wrote "The boys in Maine are crazy after you. You must come;" Jewell urged, "There is no use in dodging California, for they clamor after you;" from nearly every State committee came letters and telegrams begging for a speech. Devotion to party, love of public speaking, did the rest. Throwing aside his own interests, sacrificing perhaps more than any other man in the country, he responded to every call within his power. The week following the convention, he inaugurated the Ohio campaign by a speech in the Music Hall of Cincinnati, amid scenes which seemed to follow his voice all over the land. The *Enquirer*, an organ bitterly opposed to Blaine, said of the meeting, "The audience, hundreds of whom were ladies, seemed to have gone daft . . . people stood up all over the house waving arms and flags, until from the stage the scene presented the appearance of a vast field of grain violently swayed by cross currents of wind. It was useless to attempt to check the tumult." The same paper described Mr. Storrs, after his introduction, as follows; "Mr. Storrs, dapper and wiry, arrayed in a faultlessly fitting dress suit, stepped to the



front, where with easy self-possession he waited for a cessation of the applause before he spoke. A master of oratory, his voice, full, deep and round, rolled out in perfect utterance, filling every corner of the hall. It was oratory without effort. Every word, clearly cut and distinct, was delivered with that rare quality, an agreeable sound."

Without attempting to give the speech in full, two or three selections will show its strength. He referred to the Republican convention of 1884, and to its nominee, in the following words:

"A few words about that convention—in some respects the most notable we have ever had in this country. It came straight from the body of the people; every Congressional district was represented; every delegate was responsible to his constituents. There was much less of personal bickering than we have ever before witnessed. There was no chance for a dark horse. We had resolved that somebody's first choice should be the choice of the convention, and nobody complains except the followers of a distinguished man who, upon the final test of his strength, received as a vote less than one-twentieth of the vote of the convention. Now, gentlemen, no complaint can be made, none has been made, none will be made, that in the result which you are to-night ratifying there was anything else or other than the fairest and squarest work. It is needless to inquire into causes; there is no mystery about it. During the war, you remember, there was a great fight between the Atlanta and the Weehawken in Charleston Harbor. The Atlanta went down, and our Democratic Confederate friends busied themselves with furnishing some explanation for that disastrous result. Somebody said that the rudder had fouled; others said that the Captain was drunk; others said that the water was too deep; others said that the water was too shallow; and by and by some plain matter-of-fact man announced in his explanation (possibly political conventions suggested that) that possibly a three hundred pound solid shot that went straight through the sides of the Atlanta, fired from the Weehawken, might have something to do with the sinking of the ship.

"So was Blaine nominated, simply because for reasons satisfactory to themselves the people of this country had so willed it, and there was no avoiding the result, and we are in the field with him this day. What are we going to do about it? First now, gentlemen, who are we going to beat in the way of parties? The same old party unanimously, solidly, unqualifiedly, indescribably, universally, all the time, every time, and under all circumstances, for thirty years infernal, devilish."

Upon the subject of our navy, he said what every thinking citizen must sometime endorse:

"The history of James G. Blaine is known. Slander has done its worst with him. This is, and will be, no defensive campaign, and the tattoos which we see upon him are inscriptions of splendid achievements, placed

there by an admiring people, who have lifted him away above the slanders and detractions of his enemies, and placed him in the most commanding position of the nation which he has done so much to honor. The brokers of Wall street are afraid of Mr. Blaine's foreign policy; with shuddering fear, with quivering lips and with trembling hand mention a foreign policy and they instantly hie to their fortifications and their earthworks. What kind of a foreign policy is it? What kind of a foreign policy does our platform demand? What kind of a foreign policy do you require? What kind of a foreign policy do the wants, the emergencies and necessities of the nation imperatively exact? We are not respected abroad. I say we should be. We are not respected at home. I say this should not be. I want no war; I want only the summer days of prosperous peace. I know of but one way to secure it, and that is promptly and at once to place ourselves in such a position that all assault can be so readily resented that none will ever be made. Without a navy, the sport of every foreign power, with an inadequate coast defense, the sport of every foreign power, we invite assault. We stand, a great, big, sturdy nation, with our hands helplessly by our sides, utterly unable, not only to protect our interests elsewhere in the world, but utterly unable to defend ourselves at home.

"The condition is one of shame, indignity and outrage upon ourselves that every spirited American will see is at once corrected. I want something more than this. Now I am speaking merely for myself: I am binding nobody. The time has come when the old notion of our insularity and freedom from attacks by foreign powers must cease. We are to-day six days from Europe; nearer, much nearer, than Cincinnati was to New York fifty years ago. We have trade with every port; we have our products in every civilized land beneath the sun. Our commercial interests are extant everywhere; our citizens are all over the globe. There is not a gun-boat over which the flag of the great nation floats, adequate to protect an insulted American in the meanest seaport of the smallest nation of the earth. We are interested in what is going on all over the world. Our trade must be protected and cared for wherever it extends. That nation is unfit to be called a Nation which will not defend the imperiled rights of its citizens at home and abroad whenever they are assailed. I give to my country allegiance; I recognize its laws; I obey loyally and willingly in all cases when obedience is required; I pay that for protection, and when my Government fails to give it to me, it is my right to take their Constitution in my hand and say: 'You blundering, bullying, bragging, non-performing fraud of a Government, protect me as you have agreed to do or quit business.'"

Perhaps nowhere, during this long campaign, which was destined to be the last for his participation, was Mr. Storrs more characteristically witty, nor did he better demonstrate his stump-speaking powers, than at Boston, the night of September 9th. The gathering was at Tremont Temple. The Hon. George S. Boutwell in introducing him, said "He is known as an eminent

lawyer, a sound Republican, and in politics a terror to evil doers.' The address is appended as reported in the *Boston Herald*, of September 10th, 1884, with all the parentheses and interrogations as in that journal noted, in order that some idea may be conveyed of the effect of those rare powers of expression and mimicry which Mr. Storrs possessed. The report ran:

"Mr. President, Fellow-Citizens, Ladies and Gentlemen—At this hour of the night, it would be presumptuous for me to make anything like a full and elaborate discussion of the principles involved in the pending presidential campaign. It seems to me, since I have read the papers of this morning, that the necessity for very much discussion is past, and that political oratory has resolved itself, after all, pretty much into a howl of wild delight on one side, and wailing lamentations on the other, with an occasional bleak, dismal whistle coming from the brush or from some obscure place intended, no doubt, to keep up the courage of the whistler. I am not unmindful, fellow-citizens, whom I am addressing. [Applause.] I know I am in Boston, in the state of Massachusetts, in the New England states. I am a resident of the state of Illinois. I am a citizen of the United States. [Applause.] I am, with you, joint proprietor of Bunker Hill [applause], made so by the 14th and 15th constitutional amendments. [Cheers and applause.] I have a common interest in Paul Revere [cheers], and in that remarkable cargo of tea, the unshipping of which led to such splendid results a good many years ago. I am from what in New York has been characterized the 'rowdy West' [renewed applause]—what one, at least, of New England's famous clergymen has denominated as the 'riff raff of the West.' [Cheers and laughter.] May I say to you, because I know it will be soothing [laughter], that this characterization, Mr. Chairman, has not greatly disturbed us in the West. [Applause.] It has not broken our rest; not disturbed our slumbers [cheers], nor interfered with the quiet and usual transactions of our business. [Renewed applause.] Now, as Senator Hawley will tell you, we don't lack spirit on a proper occasion. We have an abundance of it. [Cheers.]

"Our state was the only state in the Union, Mr. Chairman, that filled its quota without a draft. [Renewed cheers and applause.] We sent over about 18,000 more to Missouri, a strong Democratic state, which will cast its electoral vote for Cleveland. We give 40,000 Republican majority. [Tremendous applause and cheers.] We have not been made angry by this characterization. May I tell you why? [A voice, 'Yes tell us.'] We are the sons and daughters of New England. [Cheers and applause.] We have left these old fields and farms, and the blessed old firesides in New York and New England, many of us, with nothing save the lessons of splendid thrift and frugality which we have learned in these old New England homes. A thousand miles or more separate us from those old firesides. Our heartstrings may have been stretched; they have not been broken. [Cheers and applause.] And we have built in the valley of the

Mississippi the most colossal, the most splendid empire of free men, free thought, free speech, as splendid a government as the sun in all his course has ever shone upon. [Renewed applause.] It does not make much difference what preacher calls us the riff raff. The sons and daughters of New England propose to turn over the settlement of the whole question to their fathers and mothers in New England. They will settle that question. [Cheers.] Well, fellow-citizens, there is no man living in the West that is not gratified to speak in Boston. [Applause.] And, if any man living in the West pretends to say he does not like to speak here in Boston, he is guilty of wilful and deliberate hyperbole. [Laughter.] We are citizens of a common country, united in our interests. We are becoming in the West great manufacturers. We are proud of this country, as you are proud of it. [Cheers.] We give Republican majorities, as you give Republican majorities, and for the same reason.

"We believe that the glory and the honor of the American name are bound up in the success of this Republican party. [Cheers.] I started with that great party when I was a boy. The first ballot I ever cast was for John C. Fremont, many, many years ago. [Cheers.] I look back upon that time and that standard bearer, and it looks all bright and radiant, shining with the glory of the birth of a new party—A party which contains within its ranks the best thought and the loftiest sentiment and the most exalted conscience of our people. [Loud applause.] I have been with that party as an humble follower, a private in its ranks, never giving orders myself, but always, as near as I could be, under the folds of that starry, blessed, old banner [cheers], taking directions from our magnificent leaders, Lincoln [cheers], and Grant, and Hayes, and Garfield [cheers], and Arthur, and Blaine. [Loud applause.] And, fellow-citizens, it makes very little difference to me where in that splendid procession of the millions of the inhabitants of this country I may be placed, whether I am up near the standard bearer under the stars, or down near the foot of the procession. I march to the old music, Mr. Chairman, and it is the music of the Union. My heart beats my own time. [Applause.] I am certain of one thing—that I shall always, so long as I live, march with my face toward the flag. [Tremendous applause and cheers.] I am not an independent in politics. [Cheers.] I recognize no purgatorial politics [cheers and laughter], no halting, half-way station between heaven and hell. [Laughter and cheers.] To me it is the heaven of good Republican government, or it is the hell of that diabolical, old, infernal party [prolonged laughter and cheers] that has never in all its long, consistent, bad, criminal career, done a right thing except at the wrong time. [Laughter.]

"I wish to say of the Democratic party nothing unkind [cheers], nothing ungentlemanly. [Laughter and applause.] Of the independents it is my purpose to speak in terms of the utmost tenderness. [Laughter.] They have left us. Why should we mourn departed friends? [Laughter.] When I read the announcement a few days ago, Mr. Chairman, that they had gone [laughter], I heard the news with a great deal of solid comfort [laughter and cheers]—a great deal of resignation. But when I read along a lit-



tle further, and found that their absence was to be only temporary, that they intended some day to return, I confess—who should not confess it?—that my mind was filled with direst apprehension. [Cheers and laughter.] Our party has made some mistakes. If you will allow me to make a suggestion, it has grown too rapidly at the top. [Cheers and applause.] I, for one, am prepared to exchange the political æsthetes for the horny-handed, hard-fisted, workingmen. [Applause.] My feelings have been lacerated, my heart has been wrung many times by the departure of the æsthetes. [Laughter.] They have played too many farewell engagements. [Cheers.] I recognize the first rule of private hospitality in their treatment—I ‘welcome the coming and speed the parting guest.’ [Tremendous applause and laughter.] We have heard in the West something about the better element of the party. [Cheers.] In our plain way—because we have been building up states, cities and empires—we have not had time to think much about the matter.

“We have always thought, however, that the better element was the biggest [cheers], and that the wisdom of this great party of ours was in the majority. Now don’t you think so? [A voice, “Yes,” and applause.] Every time I have read an announcement in the West (we take the Atlantic Monthly there and have gospel privileges). [Laughter and cheers] I have read that these gentlemen are exceedingly solicitous as concerning the question of the purity of our youth. [Laughter.] May I be permitted to suggest, Senator (turning to General Hawley), and I wish you would tell them so in Connecticut, the farmers of Illinois, of the great West, those strong, splendid broad-browed, great, big hearted men, those men who buried the nasty doctrine of fiat money under a majority of 40,000, those men are quite capable themselves of taking care of the morals of their sons. [Cheers.] At least they don’t propose to turn the custody of those morals over to an assorted lot of gentlemen, one half of whom deny the existence of a God and the other half of whom believe that mankind, themselves included, developed from an ape. Now, just what does it mean to be an independent in politics? If the word has a practical significance at all, it means the refusal to acknowledge allegiance to either of the great political parties of the country; is not that so? [A voice, “Yes,” and cheers.] These gentlemen are simply independent of the Republican party, to which they formerly belonged—spasmodically, occasionally belonged. [Laughter.] They have attached themselves to the Democratic party. They are not independent of that, are they, when they acknowledge allegiance to it? How absurd it is! [Applause.] If a refusal to vote the Republican ticket, to indorse Republican doctrines, to support Republican candidates is an evidence of independence, then the Democrat is a great deal more independent, because he in that regard has been at it a great deal longer. [Cheers and applause.]

“Will some astute logician tell me the difference between a genuine old-fashioned Democrat and the new article, the independents? [Cheers and applause]. They support the same men, and for the same reasons. The old Democrat and his ally support Grover Cleveland because of his high



moral character. [Applause and cheers.] Mr. Chairman [turning to the chairman], I cannot understand what that last applause was for. They support him because he vetoed the five-cent fare bill, he vetoed the bill shortening the hours of labor for street car conductors and drivers, and because he vetoed the mechanics' lien law in the state of New York. Now the old Democrat and independent both support him for those reasons, among others. Now, they refuse to support Mr. Blaine for the same reasons exactly. There is no difference whatever. Mr. Curtis and Mr. Schurz both withhold their support from Mr. Blaine for the same reasons that Hubert O. Thompson and Mr. Davidson withhold theirs. They use the same methods, work through the same channels and seek to accomplish the same end in exactly the same way. Both mourn when they are defeated, and rejoice when they succeed, and both will be buried in the same common grave. [Applause and cheers.] When they are dead and their skeletons are bleached, you cannot tell the skeleton of an independent from that of a Democrat. [Applause and cheers.] This is a very extraordinary party of ours, the Republican party. It never, in all its long, splendid and illustrious career, has allowed a leader to take it one single step in any direction it did not want to go. [A voice: 'That's so,' and applause.] Never. I want you to think of that. [Renewed applause.] Our leaders have sometimes left us by wholesale. So much the worse for the leaders, and so much the better for the party.

"In 1872, Governors, ex-Governors, senators, and ex-senators, judges and ex-judges left us, because the party, as they said, was corrupt. And yet, how that splendid old ship did righten itself up after they had gotten off! [Laughter and applause.] How magnificently it made for the harbor of a splendid success! How desolate and discomfited have been the leaders who jumped overboard ever since? [Applause and laughter.] There is another very remarkable feature about our party, which quite distinguishes it from the Democratic party. To write a platform for the Democratic party requires the very highest degree of rhetorical and literary ability. I think I possess some ability of that kind myself [laughter], and I would not try it under any circumstances. [Applause and cheers.] On the other hand, there is not a Republican in all the 55,000,000 of people upon this continent that cannot write a Republican platform that is not good Republican doctrine everywhere. Gentlemen, did you ever think what would happen to a Democratic orator if he put his platform in his pocket at night and got on a train which landed him in a direction that he did not suppose he was going. Suppose, for instance, he started from Chicago and was going to Boston, and by some curious freak was landed at Atlanta or Savannah, and, thinking he was in Boston all the time, began to clamor for a free ballot and a fair count. [Laughter and applause.] So you see that it is a thing which is liable to spoil with a change of weather. [Cheers.] Suppose that a patriotic Democrat, and there are many such, construing the platform, after days and nights of anxious, hair-pulling headache, has made up his mind as to what it means on the subject of the tariff, and he starts off on a trip, and lands at Lancaster, Pa., and there

begins to talk about a platform for free trade. What kind of a funeral awaits that man? [Cheers and applause.] So you see that it is full of difficulties. They say we are all the time talking about our record. They decline to talk about theirs, and I don't blame them. [Cheers and laughter.] In the few words that I shall have occasion to say to you about the Democratic party, remember that I treat of it as a party. I make a distinction between the party and the member of the party, the same as I would between a corporation and a stockholder of a corporation.

"For instance, I know stockholders of the Standard Oil Company, and they are excellent gentlemen, but the company—, [Laughter.] I know Democrats who are a great deal better than their party, but I never knew any one worse. [Cheers and laughter.] And so it is about their party I would like to talk. And it is the party to which the conscientious independent citizens have attached themselves. Let me say here, it is a party that has shown how potent the silent vote is in Maine [Laughter] and in Vermont. But we are told, when we speak about the record of the Republican party, that we are discussing old issues. To be sure, that is very bad, but it is no objection, gentlemen, to an issue that it is old, if that issue has not been settled. [Cheers.] The preachers of the gospel for a great many hundreds of years have been denouncing sin. That is a very old issue, and yet I suppose they will keep up their denunciations until sin quits. [Laughter.] The people of this country want to have confidence in any party to which they propose to intrust the interests of the country. The people of this country, let me say, are pretty intelligent and observing. It is not enough for them to know that a promise is made. What they are after is that the promise shall be kept, and they have to depend for such information upon the history of the individual or party to which they propose to intrust such interest. Now, is not that the best kind of sense? If a party promises to uphold the public credit, that party always having undertaken to destroy it, will you take such a promise? If it promises to protect and care for our American industries, when for 30 years it has sought to paralyze and destroy them, will you accept such a promise? [A voice—"No."'] Of course you won't. If it professes and promises to take care of our financial interests, while it has for years sought to destroy them, will you accept such promises? I take it not.

"These are fair, square questions, which every one is going to ask for himself, and to which he insists upon an answer. What is the record of that old party? If this hall was filled with Democrats, and every one of them solid in the faith and firm in the belief, I could clear the hall in three minutes by reading from the platform of 1868 and 1872. They have never made a promise in which the interest of the country has been involved that they have kept. [Cheers.] There has been no great measure of public utility that the party has ever favored in all its career of 30 years, and there is no good measure that party has not opposed during that time. [Loud applause.] Is there any one in this large and splendid audience, in this old and splendid city of Boston, memorable for its history and sanctified in the hearts of the people by the recollection of the revolution; is

there one of you, glorying in the greatness of our country in the past, and with the hope and promise of the future; is there one of you who can point to anything in the last quarter of a century that the Democratic party has done, or attempted to do from which you draw any pride, or from which the country would have drawn any honor? Can you point to any great event in history which makes up our patrimony and heritage that it has not opposed? [Loud applause.] That is a dreadful question, and a dreadful fact. Is there any one such instance? The Republican party, whose advocate in a simple way I am, has never made any great promises it has not religiously performed. [Applause.] The promise of to-day is the statute of to-morrow, and ripens into the fundamental law of the land. In its brief career of twenty-five years, it has counted by its achievements 1000 years of the grandest history. [Cheers.] It made our territories all free, and elected Lincoln. [Great applause.] By one supreme effort, it lifted 4,000,000 people from the position of African cattle to that of American citizenship. [Applause.] It placed this great country in the midst of prosperity unexampled in the world. [Cheers.]

"Gentlemen, I can never tire of speaking of the achievements, or the non-achievements of the Democratic party. I make one honorable exception. Governor Hoadly of Ohio visited Maine, where he spoke. He was at one time a Republican, and, finding the need of a record, he furnished one to his friends there. He story he told was like the old news from the Potomac—'Important if true.' [Loud laughter.] There is no one here who will mention what I am about to say. [Laughter.] Did you ever see a washed-out Republican that had fallen into the Democratic party that ever bragged about being a Democrat? [Renewed laughter.] He is always proclaiming that he has been something better—a Republican; that he had seen better days, like some of the gentlemen in the old states [laughter and applause], a little ravelled out at the edge, and run down at the heel, but with here and there marks to show that originally the goods were valuable. [General laughter and applause.] He was an abolitionist, he says, when Logan was voting the Democratic ticket. There is the place where the Democrats and their allies agree. [Applause.] It is astonishing that they speak about Logan voting the Democratic ticket. Hendricks voted that ticket once. [Laughter.] But is it, after all, the real question when a man began to be an apostle half as much as how long he holds out? [Laughter and applause.] Who began first? Judas or Saul of Tarsus? Judas, I think. But think about him running around in that Democratic region of his, jingling those 30 pieces of silver he got from the Democratic committee of that day as his price for his joining the party of purity and reform, and claiming that he was a Christian long before the scales fell from the eyes of Saul of Tarsus. [Vociferous applause and laughter.] Logan did vote the Democratic ticket, but the first shot at Fort Sumter drove from him every spark of the Democratic faith, and in the flame and thunder of battle he made himself the peerless soldier of the war for the Union. [Renewed applause.] Take from the history of the country for the last 25 years the solid achievements of John A.

Logan, and you make a chasm [applause]; but take from the same time the achievements of his detractors, and there is no abrasion on the surface. [Renewed applause].

"The hour is so late, however—[Voice—"Go on.']] I am willing to go on. [Loud applause.] I was about to say the hour is so late, it seems to be an outrage on the understanding of so fine an audience. But let's be fair about it. The night is hot, and while you suffer in listening, I suffer in talking, and so, in the good, old-fashioned way, let us bear one another's burdens. [Applause.] The life of man is limited to about seventy years, and you cannot expect me to spend all of it in going into the crimes and follies of the Democratic party. [Laughter and applause.] It seems to me a waste of time and timber. I was reading the *Chicago Tribune* the other day, and I saw a missionary had been sent from Boston to Chicago to organize the independent movement, which is a kind of 'go-as-you-please' affair, and requires a good deal of nursing. [Laughter.] There was a grand rally, and the whole five were present, some with Mr. Gladstone's last speeches, others with essays from the Cobden Club, others carrying their canes in the middle, and all appearing like three-story-and-mansard-roof patriots. [Laughter.] They were at the Palmer House, and one said Massachusetts was going to give Cleveland an overwhelming majority. He was an independent, and one of the better class of that party. [Laughter.] Of course, the statement was not false, was it? Not an extreme economy of the truth? [Laughter.] I have to be a little delicate about my language.

"I have been somewhat dazed at what seems to be the revolving and somewhat contradictory position the independent movement has taken. It is like the trip of the blind ass in a park. Very much walking and very little getting ahead. [Laughter.] They say to the Democrats: 'I will support your candidate on moral considerations alone. [Laughter.] I will vote your ticket; I will march under your banner; wear your uniform; take orders from your leaders; I will discharge my guns into the faces of my own friends from your ranks, but I must not be considered of you. I still claim the privilege of attending the councils of the army I have just deserted [loud applause] as well as yours, and, while I explode my batteries in the breasts of my old friends, I will, with a magnanimity the like of which was never recorded in history, consent to draw rations from both armies.' [Loud laughter and applause.] The independent movement may have a basis somewhere. Can you see it? In the state of Massachusetts they issued a ringing address, signed by sixteen gentlemen, in which they arraigned the party for the misdeeds committed when they were members of that body. They said Vice-President Colfax had been guilty of corrupt practices, as well as Belknap and Ex-Attorney-General Williams, and that Robeson had violated his trust. They then referred to the whisky ring and star route frauds, but the Republican party, as a party, could not be responsible for these, if there were such. [Applause.] I advise these gentlemen not to go to Indiana, where Colfax has an honored name, and where thousands respect him, and tell such things. [Applause.] It would not be prudent.



"But Schuyler Colfax has dropped out of public life. Belknap was impeached, and Robeson investigated by a hostile committee, while ex-Attorney-General Williams dropped from office and has never been honored since. [Cheers.] The last time I saw him was at the Republican convention in 1880, joining with these independents to oppose Gen. Grant, on the ground of morals in politics. [Loud applause.] What was done in the star route was in the administration of President Hayes, and was brought to light in the first weeks of Garfield, and both administrations these people indorsed. [Applause.] The star route was brought to trial under Arthur [cheers], prosecuted by Republican officials, backed by the party, but they were acquitted by a Democratic jury [applause.], at the head of which was Dickson, who was a delegate at the Democratic convention, and voted for Cleveland, and is to-day supporting him with the sixteen gentlemen who signed that address on the ground of moral consideration. [Laughter and applause.] Now, gentlemen, as to the personal character of Mr. Blaine, it becomes me to say nothing. The people of the state where he lives have passed on his character. [Tremendous applause.] For twenty-five years he has stood in the full front and blaze of the sun, one of the leading and most prominent figures in American history. [Applause.] We don't take our leaders from obscurities [laughter], nor from men conspicuous to the extent that they are not known. That has not been the policy of our party. [Cheers.] The Democrats prefer their armies shall be led by a skulker they have awakened up from under the band-wagon, because he shows no scars. [Laughter and applause.] Mr. Blaine has a tattoo of 16,000 majority. [Great applause.]

"There is only one other question. I did want to say something about the tariff, but, as I sat in the quiet of my room to-day, I felt I might subject myself in this vicinity to imminent peril by doing so, for, when such a man as Senator Hoar, who, in the West we had supposed was an honorable man—fair and honest—is crushed down by the rhetoric of David A. Wells, a private like me may take alarm. [Laughter.] This is to be a campaign, as I understand, where decorous language is to be used, and the practices of Fontenoy are to be observed. 'Gentlemen, please fire first!' Mr. Wells says Mr. Hoar knows nothing about the tariff, but many of the sophomores of Harvard are capable to give the instruction required. We are much obliged, for we know where to go for information, and when the question comes up as to the duty on scrap iron, we will leave Mr. Wells and go to Harvard. When we speak of steel rails we will go to Harvard. [Laughter.] In the club I came across the essay of the Cobden Club for 1871 and 1872, and it was one of eighty pages, written by Mr. David A. Wells, who was elected an honorary member in 1870. I wonder whether he had been withholding it from his own people and giving it to the British public. At page 536, he says 'so excessive and costly is the manufacture of steel rails that it would be better to burn up the shops.' He gives as a reason that steel rails could then be bought for \$62 a ton. Since then the manufacture has increased to 1,600,000 tons per annum, and the price has de-



Personal

Augustine

17 July 1884

My Dear Mr. Hono

Nothing will  
satisfy our boys in Maine  
but your voice — You  
must be present at  
Lake Umbagog on  
the 12<sup>th</sup> of Sept — and  
be prepared to make  
several speeches in  
the State —

I beg you to

Accept my sincere  
thanks for your effective  
eloquence thus far  
- but you must come  
to Maine!

Sincerely  
James G. Thompson

Hon. Emory U. Stone.

creased to \$26 or \$27 per ton, and that much better than the British manufacturer ever dreamed of. This is the class of men who now support Grover Cleveland. In that same article he declared that before 1881 we should have no protective legislation. The fact is all the other way.

"In Ohio, there will be a majority of 40,000 for Blaine because of his protective policy. In closing, I will say that, wherever I go, I find the same old spirit, and, as sure as you live, there is no state in the West that does not believe in the honor and ability and the intense Americanism of James G. Blaine. [Cheers.] And there is not a state there but does not mean to have our flag all over the world, with perpetual peace secured, with a manly advocacy of all that is our own, backed by the people. [Applause.] I have said we are all the sons and daughters of New England, and we are proud to come and show you what we have achieved while we loved the firesides of New England, God bless her! [Cheers.] The Republican party has made our country free. [Applause.] We have effaced the inscriptions of the bad old times, and the Dred-Scott decision no longer lives. The story of escaping slaves is no longer heard, but radiant as a planet is the story of a republic, beneath whose banner every human being is free to think and vote as he pleases [cheers], and we have the spirit of a mighty free empire caring for the poorest of her citizens, and on this account I shall vote for Blaine and Logan."

In a long and carefully prepared speech at Cleveland, delivered the night of October 6, immediately before the State election of Ohio, he was now argumentative and mightily in his style, yet scarcely less interesting. One portion of this speech was as follows:

"The reforms of this world rarely come from the skies down, but almost always from the ground up. This is especially true of reforms which are at all moral in their nature. The bloody pages of martyrdom required the self-sacrifice for opinion's sake of but few scholars; but by thousands and by tens of thousands the plain, honest people have willingly perished in dungeon, on the scaffold and at the stake for opinion's sake.

"We must deal, after all, with the great, grave questions of the hour. The two great parties to-day stand confronting each other, both seeking the indorsement of the people, both making promises for good behavior in the future. The essential inquiry is not which is the most vehement promise, but which of the parties promising is the most likely to perform. I might admit, for the purposes of the argument, that the Democratic party in its platform of the present campaign promise all that we can ask, and yet refuse to act upon it, for the simple reason that its history renders it utterly impossible that it will perform any promise looking to the honor or prosperity of the country which, under the stress of a great emergency, it may see fit to make. For nearly a quarter of a century before the war it sought not only the degradation but the practical destruction of the dignity of free labor in this country, and why should I take its promise now that it will promote and elevate it? It refused to recognize the public judgment in the

election of Abraham Lincoln, and sought the dismemberment of the Nation for that reason. Why should I accept to-day its promise to strengthen and extend our National integrity? It opposed every measure to which our patriotic people were compelled to resort for the prosecution of the war to save the Union. Why should I now accept its assurances that it was all the time in favor of the preservation of the Union? It denounced as unconstitutional and void all schemes for the establishment of a National currency, and why should I now place the custody of that currency in its hands? It sought to prevent the enactment of all laws by which the ballot throughout the boundaries of the Republic should be made free and fair and equal, and why should I take its promise to make that ballot free and fair and equal in the future? It has steadily opposed every scheme to further the protection of American industry, down even until to-day, and why should I accept its promise to care for and protect American industries in the future? Its history is opposed to its promises. I decline to place the Nation in the hands of a party which sought to destroy it. I decline to place the custody of our currency in the hands of a party which believes it to be unconstitutional. I decline to entrust our industries to a party which has steadily and consistently sought their overthrow.

"These statements of the position of the Democratic party are not mere random assertions. There is not a line of legislation in our history for the last twenty-five years redounding to the honor or prosperity of the Nation which the Democratic party has not bitterly opposed. Why should I entrust the National honor to the party which sought its destruction only sixteen years ago by a declaration in National Convention demanding the practical repudiation of the public debt? I understand the anxiety of the Democratic party to be rid of its history—its anxiety that a profound silence should be maintained as to its past record. It has a record which it does not dare to read; it has a candidate whom it does not dare to exhibit; and the strongest evidence that we have that there is still some foundation to work upon for the reform of that party is that it is so profoundly ashamed of its past history, for where there is no shame for a misdeed there can be no conversion.

"Feeling this very keenly, patriotic Democrats, and there are thousands and tens of thousands of such—seek to claim some share in all the glories of our history since 1861. Mr. Hynes, of the city of Chicago, a most estimable gentleman, a very able and a thoroughly patriotic man, in a speech delivered at Fostoria a few nights since, claims that the Democratic party is entitled to as much credit for the resumption of specie payments as is the Republican party. But in this Mr. Hynes is surely mistaken. Doubtless Mr. Hynes, during the time of the agitation of those questions, was in favor of a sound and honest currency, but surely his party was not. The trouble with Mr. Hynes, and with thousands of others of excellent Democrats, is that they have been wearing for many years the wrong label. They have been carrying around a Democratic trademark without really entertaining a single Democratic principle. This is astonishing, but it is true.

It is remarkable that a man should mark silk goods down to a calico price, but this Mr. Hynes and others have done.

"Now, what are the facts in regard to our currency? The Democratic platform of 1868 called for the payment of the public debt in greenbacks, and demanded, in this exact language, 'equal taxation of every species of property according to its real value, including government bonds and other public securities.' It was deemed necessary in 1869, as a preliminary to bringing our currency back to a solid basis, to assure the whole world that we intended honestly to pay our public debt, and therefore the public credit bill was originated by the Republican party, pledging the nation to the payment of its debt in coin, and this bill was opposed in Congress, as Mr. Hynes will find, by the practically solid vote of the Democratic party, including James R. Doolittle, who was at that time wavering between the lines. The Democratic party by a practically solid vote opposed the resumption bill. Finding, in 1876, however, that it was necessary to nominate Mr. Tilden, their jesuitical platform declared for honest money, but, to satisfy the rank and file of the party, denounced the Republican party for hindering resumption. In January, 1876, the bill to repeal the resumption act received 112 votes, all Democrats but one. In June, 1876, as a rider to the civil appropriation bill, an amendment repealing the resumption act received solid Democratic support. The party was not converted by its double-headed platform; for on the 5th of August, 1876, a measure to repeal the fixing of the time for resumption received in the House 106 votes, all Democratic but three, and the platforms of the Democratic party, almost throughout the Union, demanded in explicit terms the immediate repeal of the specie resumption act. The contest was not closed until 1878, when the Democratic party as a party solidly favored the heresy of fiat money, at which time James G. Blaine visited the West and was the leader in the great final battle for honest money; and in the State of Illinois that heresy was buried under a majority of 40,000. That for the time closed the contest. Specie payments were resumed, and the efforts of the Democratic party in that direction ceased only because they could not repeal an accomplished fact, any more than they could repeal yesterday's sunrise.

"Equally hollow is it for Mr. Hynes or other Democratic orators to claim that the Democratic party is in favor of a free ballot. They called for it, it is true, in 1880, and they demand it again in their platform of 1884, but the solid Democracy in Congress opposed the registry laws, and has again and again sought their repeal. It has repealed registry legislation in this State and in New York, and the party which professes to be in favor of a free ballot and a fair count shows this extraordinary record: In 1872 the Republican vote of Alabama was 90,272; in 1878 it was nothing. In 1872 the Republican vote of Arkansas was 41,373; in 1878 it was 115. In 1872 the Republican vote of Mississippi was 82,175; in 1878 it was 1,168. These instances, in the main, hold good through the entire South. In 1876 the Republican vote in South Carolina was 91,870; in 1878 only 213 Republican votes were counted. In



1876 the Republican majority in Louisiana was over 20,000: two years later the vote disappeared from the election returns.

"These facts, which are the shame of our present history, are of record. No language can exaggerate their importance, nor the stupendous crime which makes such a condition of things a possibility.

"While, in the main, the people of this country do not require a change, in these respects they loudly demand a change, and insist upon it that the guaranty of a free ballot and a fair count, of equality, of political privileges, embodied in the Constitution, shall be religiously performed. This is American policy, and it is typified in the persons of Blaine and Logan.

"For many years the Democrats have been vehement in demanding a change, but for just what reason they require it they have always been and still are unable satisfactorily to state. Certain changes we will have and do have. We will have a change from one Republican administration to another. We had a change from Grant to Hayes, and from Hayes to Garfield, whose untimely death made a change to Arthur, and we are about to have a change from the cleanly and patriotic and thoroughly upright administration of Chester A. Arthur to the thorough and cleanly and patriotic administration of James G. Blaine. [Cheers.] We will change administrations, but we decline to change policies. We are willing to exchange one Union-saver for another Union-saver, one friend of American industries for another friend of American industries; but the poorest Union-saver is better than the best Union-hater, and the commonest friend of American industries is better than the most thoroughly accomplished enemy of our labor and its prosperity.

"When the country most needed a change, in 1860, the Democratic party was opposed to it. In 1860 our national wealth was \$14,000,000. In 1880, under the influences of Republican policy, it had increased to \$44,000,000,000—an increase of over \$125,000,000 per month, equal to one-third the daily accumulations of mankind.

"In 1860 our manufactures amounted in value to \$1,885,000,000. Then the Democratic party did not desire a change. In 1883 they amounted to \$5,300,000,000, and now it demands a change. In 1860 the productions of our coal mines were 14,000,000 tons. The Democratic party was satisfied.

"In 1883 the production of our coal mines was 96,000,000 tons, and now it demands a change. We to-day import one-tenth as much cotton as we imported in 1860, and we now export 150,000,000 yards per year. But the Democratic party, dissatisfied with the present situation, demands a change. We import no more silk now than we did in 1860, but we produce six times as much; and still the Democratic party demands a change. Our wool production in 1880 was four times as large as in 1860, and the prices were higher than in 1860, and yet the Democratic party demands a change. In 1860 our productions of iron ore were 900,000 tons. This satisfied the Democratic party. But in 1883 the productions were over 8,000,000 tons, and hence it demands a change. [Laughter.] In 1860 we had 30,000 miles of railroad. This suited the conservative Democracy. In 1884 we

have 100,000 miles of railroad, and it demands a change. In 1868 our freight charges to New York from Chicago were 42 cents per bushel. In 1883 they were 16 cents per bushel. And Democracy now demands a change. Down to 1861, covering the entire period of our National history, the value of our exports had been \$9,000,000,000; with this the conservative Democracy was content. But since 1861, a period of only twenty-three years, the value of our exports has been \$12,000,000,000. This is not satisfactory, and the conservative Democrat demands a change. [Laughter.]

"I am aware that Democratic orators claim that these marvelous exhibitions of prosperity are due to the fertility of our soil, favoring conditions of climate, and our great territorial extent. But the satisfactory answer to this is that the skies were just as blue, the soil was just as fertile, before 1861, as they have been since, and that this colossal development has occurred under what is to-day Republican policy in government. [Applause.] There is nothing impossible with the Almighty, but he would never undertake to make this country prosperous, even if the skies were of the bluest, the soil the most fertile, and our fields groaning under harvests, if running alongside them were a debased and shifting currency, an impaired National credit, and an unrestricted competition with the cheap and pauperized labor of the old world. [Applause.]

"So far as the question of protection to our industries is concerned, notwithstanding the asseverations of certain Democratic orators to the contrary, the policy of the Democratic party has been steadily against protection and in favor of free-trade. This a very hurried reference to its record will demonstrate. In 1876 the Democratic platform demanded that all custom house taxation should be 'for revenue only.' The Democratic platform of 1880 demanded a 'tariff for revenue only.' The policy of the party is entirely harmonious with that of the Southern Confederacy; for by the Constitution of the Southern Confederacy it was provided, 'No bounty shall be granted from the treasury, nor shall any duties be laid to promote or foster any branch of industry.' The attitude of the Democratic party, therefore, during all these years, was entirely that of the Southern Confederacy. A fair interpretation of its platform of 1884 leads to precisely the same result. Its language is, 'We therefore denounce the abuses of the existing tariff.' But it is to be observed that it does not enumerate these abuses. Further, 'We demand that Federal taxation shall be exclusively for public purposes and shall not exceed the needs of the Government economically administered.' This is somewhat obscure, but its meaning is not difficult to reach. 'Federal taxation' means the tariff; 'exclusively' means 'only,' and 'public purposes' can have no meaning but 'revenue,' and therefore, reduced to our every-day vernacular, it reads, 'We demand that the tariff shall be only for revenue.' So that its present position is entirely in harmony with its past.

"In what I have thus far said with regard to the record of the Democratic party, it is entirely fair for me to say that its candidates stand upon its records so far as we are able to ascertain. In his letter of acceptance,

Governor Cleveland says, 'I have carefully considered the platform adopted by the convention and cordially approve the same.' The attitude of Mr. Hendricks has been too well known to require comment. So that the position of the Democratic party being clearly ascertained, we have only to inquire, Are we in favor of it?

"There is no abler exponent of the free-trade Democratic doctrine in this country, perhaps, than Mr. David A. Wells. A Democratic philosopher and a philosophic Democrat, a member of the Cobden Club, he looks upon free-trade as the means by which a millenium among the nations is to be secured, and the estimate in which he holds our policy of protection is clearly indicated by an essay written by him for the Cobden Club, and published in its collection of essays in 1871, in which, referring to the tariff of twenty-eight dollars per ton upon steel rails, he says that the tariff is 'so excessive and costly that it would be more profitable for the country at large to buy and burn up all the existing establishments and pension all the workmen, rather than continue the business under existing arrangements.' Mr. Wells proceeds to state in the same essay that in the event this tariff had not been imposed, steel rails could have been laid down in New York for sixty-two dollars a ton; and he cheers and gratifies his English brethren at the close of his essay by saying: 'It is safe to predict that ten years will not elapse before every vestige of restrictive and discriminating legislation will be struck from the National statute book.'

"The advocates of protection have always insisted that such a spirit of competition grows up from it as not to enhance, but rather to cheapen the product, and this has steadily been denied by the free-trader. How greatly Mr. Wells was at fault the experience of the years since 1871, when this remarkable essay was written, has demonstrated. At that time this great industry was practically in its infancy in this country; but encouraged and stimulated by protection, it has developed to such an extent that our capacity is greater than that of any other country on the face of the earth, and steel rails manufactured by our own people are to-day for sale in the American market at the rate of \$27 per ton. Had the advice of Mr. Wells been followed the thousands and the tens and hundreds of thousands of men engaged in these establishments would have found no employment; the tens of thousands of men engaged in the various branches of industry collateral to this would have found no employment. Our own steel rail manufactories would have been destroyed by the influx of the English product, and the instant that result was accomplished prices would have been advanced and the transportation interests of this country would have been chained to the car of the English manufacturer.

"I do not need in this presence to descant upon nor argue the case of protection as against free-trade. It is enough I apprehend, for me to show what the attitude of our parties really is. The figures which I have already given demonstrate that every interest is promoted by protection. The price of labor is advanced and it has been the policy of the Republican party from the beginning so to legislate that there might be an honest day's wages for an honest day's toil paid in honest money. Mr. Blaine uses this

emphatic language, and covers not only the ground of protecting the manufactured article, but protecting the laborer himself: 'The Republican party has protected the free labor of America so that its compensation is larger than is realized in any other country, and it has guarded our people against the unfair competition of contract labor from China, and may be called upon to prohibit the growth of a similar evil from Europe. It is obviously unfair to permit capitalists to make contracts for cheap labor in foreign countries to the hurt and disparagement of the labor of American citizens.' This is the doctrine of our candidate. It covers the whole ground of the controversy. And on this great, vital question, in which the hearths and homes of hundreds of thousands of industrious citizens throughout this country are involved, Grover Cleveland has not one word to say, and, so far as we know, has never had a thought.

"The exhibit that I have made of the wonderful growth of our country since 1860 encounters one extraordinary exception, viz., our shipping interests, and with reference to those Mr. Hendricks says that the obituary of our merchant marine is written in our tariff and shipping laws. If Mr. Hendricks does not know that this statement is false he is not nearly so well versed in the history of his country and of that great interest as a candidate for Vice President surely ought to be. Now, what are the facts, and where shall we seek the explanation of this decline in our shipping interests? First it is important to mention that from 1855 to 1861 there was a relative decrease, for reasons surely not attributable to the Republican party, of over 16 per cent. In 1848 the value of the total imports and exports in American ships was about \$240,000,000 against about \$71,000,000 in foreign ships, and the British Government then paid \$3,250,000 annually as subsidies. From that time she at once began increasing her subsidies, and at the breaking out of the war in 1861 they were nearly five million dollars, while our tonnage had run down from five hundred millions in 1860 to three hundred and eighty-one millions in 1861. In the years 1870 and 1871, in response to the Pacific Mail subsidy, Great Britain ran her subsidies up to over six millions. So that in 1882, by this policy, she had reduced the value of our imports and exports under our flag to two hundred and forty-two millions, and had increased hers to one billion three hundred millions. It is idle to talk of the individual shipbuilder competing not only against the British shipbuilder, but the British Government as well. The policy pursued by the British Government has been wise. The value of the English fleet is to-day \$1,000,000,000, and of this \$900,000,000 has been expended for labor. This policy has given employment to 240,000 men regularly and 220,000 more to run the ships. The gross earnings of this fleet have been \$330,000,000. Our country pays \$100,000,000 for the service of these ships, and now the clamor is for free ships. Free ships will not relieve us. Great Britain might present to us five hundred vessels free of charge, and yet, as the case now stands, we could not successfully encounter the competition; for behind the English ship-owner and builder and master stands, as I have said, the British treasury, and until the Treasury of the United States, which has

granted hundreds of millions of subsidies to railroads, shall hold its shield over and stand behind the American ship-owner and builder it is idle to look for a change in the present condition of affairs. Does not this demonstrate that we need an American policy?"

The defeat of the Republican party at the polls in November did not lessen his belief in either the party, for which he had so earnestly and never more ably than during the year of 1884, battled, nor in its leaders. He was a thorough party spirit even at the death. There was something splendid in the way he replied to the question. "Do you think this defeat seriously affects the future of the party?" put to him by an interviewer for the *New York Tribune*. "On the contrary, I think it solidifies the party. We are now a compact, powerful, splendid political organization, identical in opinion and purpose. It is a curious feature of the triumph of the Democratic party at this election that the only reason that the country will not be greatly damaged by its success is that its success has not been complete, and the only hope of the patriotic Democrat is, not that his party has triumphed but that it has not triumphed completely. The salvation of the country rests on the fact, not that Cleveland is elected—the hope of success on the part of all our great industries rests not on the fact that he is to be our next President, but rather in the fact that, being our next President, he and the House of Representatives behind him will be unable to carry out the doctrine which he represents, because of the interposition of the Republican senate; and so again, as in the countless instances of the past, the Republican party saves the country. I look for a strengthening from this time forward of the Republican party, and within two years I expect that every Northern State will wheel into line under its banners." The reason of the defeat, he ascribed solely to the address of the New York Presbyterian clergyman who made use of the unfortunate alliteration "Rum, Romanism, and Rebellion." This was an insult to the Catholic priests and clergy present, and to Catholic sentiment throughout the country. The Democrats made ready and able use of the expression, Every dead-wall was placarded with it, and the pews of the Catholic churches were filled with it on the Sunday which immediately preceded the polling of votes. To correct it was impossible.



## CHAPTER XLIII.

### LEGALITY OF "TRIAL BY INFORMATION."

MR. STORRS' LAST CASE—THE ELECTION FRAUD IN THE 18TH WARD OF CHICAGO—JOSEPH C. MACKIN AND OTHERS TRIED BY INFORMATION INSTEAD OF ON INDICTMENT—MR. STORRS MOVES FOR A WRIT OF ERROR—THE SUPREME COURT OF THE UNITED STATES AFTER HIS DEATH, SUSTAINS HIS POINTS—A POSTHUMOUS VICTORY.

THE last case upon which Mr. Storrs was employed was one which attracted attention and excited discussion throughout the country. It involved a more than usually bold and daring outrage upon the purity of the ballot box, which every American looks upon as the palladium of liberty. In the Presidential election of 1884, it so happened that an equal number of delegates to the State Legislature of Illinois were elected by each party, and as there was to be a Senator from Illinois chosen to succeed John A. Logan, the Democratic managers naturally thought it would be a desirable thing if a Republican Legislator could be counted out, and a Democrat returned to Springfield in his place. Mr. Joseph Chesterfield Mackin, secretary of all the Democratic committees, undertook to accomplish this end, and unfortunately chose the second precinct of the 18th ward of Chicago for his operations. The successful Republican ticket bore the name of Mr. Henry W. Leman as State Senator for that district. Mr. Leman was a young Chicago lawyer, the son-in-law of a wealthy merchant living on Dearborn Avenue, and his opponent was Mr. Rudolph Brand, a brewer of lager beer. Mackin undertook to falsify the returns for the second precinct, which included Dearborn Avenue, and give Brand a majority by forging the tally sheet and substituting spurious ballots, fac-similes of the genuine Republican ticket in all respects except that Brand's name took

the place of Leman's, in place of the regular Republican ballots cast. For this purpose he had to win over to his wishes some of the clerks employed in the office of the County Clerk, so as to obtain access to the ballot box after it had been deposited in the County Clerk's office. Next, he had to obtain the services of a skillful penman, expert at forgery. He found no difficulty in securing the help he wanted. When the County Clerk came to canvass the vote of that precinct, it was found that by some hocus-pocus Brand and Leman had changed places on the tally-sheet, the exact majority actually voted for the one being recorded for the other. There were erasures and alterations on the sheet which looked suspicious, and the District Attorney of the United States, Colonel R. S. Tuthill, took the matter up and brought it before the Federal grand jury then in session. A writ was obtained from Judge Blodgett commanding the County Clerk to appear before the Federal grand jury with the ballots and return. This was served on the 21st of November about noon, and the same night Mackin had printed a sufficient number of bogus ballots to take the place of the genuine ones, got them placed in the ballot-box by the aid of the County Clerk's treacherous subordinate, and next day all seemed to be ready for the inspection of the grand jury.

We have said that Mackin was unfortunate in choosing the second precinct of the 18th ward for this nefarious operation. In that precinct resided not only Leman himself, the State Senator-elect, but also his wealthy father-in-law, and a large and influential circle of friends. Not only had Mackin allowed the ballot of Mr. Leman's father-in-law to be changed, but also that of Hon. E. B. Washburne and other prominent Republican citizens. So clumsy a fraud was certain to be detected on examination of the ballots, but Mackin had hoped to shield himself and his confederates by the declaration of the County Clerk and the other members of the canvassing board that they had no power to "go behind the return." Here, however, was a Federal grand jury who persisted in going behind the return; who came to the conclusion that the return itself was a forgery, and who speedily discovered a suspicious newness and uniformity of appearance in the bogus substituted ballots. Mr. Washburne and other well-known Republicans, among them Mr. Leman's own father-in-law,

were returned as having voted for Brand, and they all came before the grand jury and testified, some by affidavit and some in person, that the substituted ballot was a fraud, and that they had voted the straight Republican ticket, which included Mr. Leman's name.

On the same ticket, along with the names of the Republican candidate for President and Vice President of the United States, and the names of State officers, was the name of the Republican candidate for Congressman from that district. Upon this fact alone, Judge Blodgett assumed jurisdiction under the Act of Congress in ordering the ballots to be brought into his court for inspection. The printers whom Mackin had hired to do his disreputable work took alarm as soon as they learned of the discoveries made by the grand jury, and they went before that body and disclosed Mackin's agency in the transaction. Other evidence fastened the guilt of the forging of the return upon another Democratic worker named W. J. Gallagher, and the treacherous connivance from within the County Clerk's office upon two of his deputies, Arthur Gleason and Henry Biehl. District Attorney Tuthill, on the 20th of January, 1885, moved for leave to file a criminal information against these four persons for violating section 5440 of the Revised Statutes of the United States, which was granted, and the defendants were taken into custody on a bench warrant and admitted to bail in \$10,000 each.

The section under which they were put upon trial is one providing for a penalty against persons conspiring to commit an offence against the United States, or to defraud the United States. On this charge of conspiracy, Mackin, Gallagher, Gleason, and Biehl were tried in the United States Court before Judge Blodgett and a jury, the trial commencing on the 5th of February 1885, and lasting till the 21st of the same month, when the jury returned a verdict of guilty against Mackin, Gallagher, and Gleason, and acquitted Biehl. Before the trial, a motion to quash the indictment was made, on the ground that the facts set forth in the information merely showed a design to change the vote for State Senator, and therefore that the jurisdiction of the case belonged to the State Courts only, and that the Federal Court had no jurisdiction. This motion was overruled, but the same

line of argument was mainly relied upon in the speeches of counsel for the defence on the trial. It was also made the principal ground for the motion for a new trial, which was likewise overruled. Mackin and Gallagher were sentenced to two years imprisonment in Joliet penitentiary, and to pay a fine of \$5000 each.

It was at the stage of the proceedings that Mr. Storrs came into the case. Other counsel had conducted an unavailing defence on the trial before a jury, and it was well-known that Mr. Storrs' political sympathies were rather with the prosecution than with the defendants. But it was hardly a surprise to the community in which Mr. Storrs' reputation as a lawyer stood so high that his employment as a last resource in desperate cases had come to be looked for as a matter of course, when he appeared on the 21st of March before Judge Blodgett to apply for an extension of the time for removing the prisoners from the county jail to Joliet. Mr. Storrs was at first exceedingly reluctant to take up the case, and it was only after a good deal of pressure exercised upon him privately from a quarter that was always influential with him, joined to the entreaties of friends and near connections of Mackin, as well as of Mackin himself, that he finally concluded to do so. Having once engaged himself, he put aside all personal feelings and political prejudices, and viewed the case simply from the standpoint of professional duty. As was his wont, he identified himself with the interests of his client, and devoted all the resources of professional learning, skill, and experience to that client's service. He applied to Judge Gresham for a writ of error and supersedeas, and argued the motion before that distinguished Judge on the same day on which he had obtained from Judge Blodgett a stay of proceedings.

He had in the meantime carefully considered the case, and saw that one important point had been overlooked by counsel upon the trial,—namely, the question whether an information would lie for the offence with which Mackin was charged. He concurred with their view as to the jurisdiction of the Federal court in the case, but after looking through the authorities, and especially a decision recently given by Mr. Justice Gray, he had reached the conclusion that the course pursued by the District Attorney was wrong from the beginning, and that, even supposing the Court to have jurisdiction, the defendants should have been tried upon presentment by the grand jury, and not by

information. He argued these points before Judge Gresham in their logical order. First he took up the point of jurisdiction. No report of his argument having been published, it will be a source of enlightenment to a great many people, newspaper writers included, who at the time were so impatient of technicalities in view of the plain and overwhelming evidence against Mackin that they regarded the counsel who raised them merely as an obstructor of justice, if we reproduce some portions of it here. At the very outset, Mr. Storrs made a clear distinction between the vindication of a constitutional principle, lying at the foundation of the liberties of every citizen, and the mere salvation of an individual from punishment. He began by saying:

"I think it perfectly safe to assume that the substance of all the arguments which have been addressed to your Honor in opposition to the petition made in this case for a writ of error and supersedeas, is embodied in the very elaborate charge of Judge Blodgett to the jury, and upon which charge the verdict was rendered against three of the defendants on trial. Upon a careful reading of that charge, I am led to the conclusion that it would be hardly possible that a more able and adroit argument of the case on behalf of the government could have been or can be made. This is true particularly as to so much of the charge as relates to one of the propositions which it is my purpose to discuss upon this petition, namely, the question of the jurisdiction of the United States courts over this case. It will suit my purpose to comment, before I finish, upon that charge somewhat in detail, for if I succeed in establishing in the mind of your Honor a doubt as to the correctness of the legal propositions there advanced, so far as this application is concerned, my purpose is achieved, and the writ of error and supersedeas will follow from that doubt as a matter of course. For, as I understand the attitude of this question, it is not necessary that we should convince the court as to the correctness of the positions which we maintain to the extent that the court will feel justified in reversing the judgment entered upon this verdict, but it is enough for us, and our purpose is accomplished, if we establish a fair ground of belief that the tribunal before whom this case will be heard, if a writ of error were issued, would reach a conclusion different from that arrived at before the trial judge.

"Not having been connected with the case at all until a very recent date, and my examination of the case having had no necessary connection with the inquiry as to the guilt or the innocence of the accused of the charge preferred against them in the information, I am relieved from all necessity of discussing those matters of fact, and indeed, they can with propriety be hardly said to be before the court at all; for in such a discussion as that in which we are now engaged the abstract question of law becomes the real question, and the individual in whose behalf that abstract question is presented, does not enter into the contemplation, either of counsel or of



court. As to the enormity of the offense of which it is alleged these defendants and petitioners have been guilty, I have nothing to say further than that I am quite prepared to go as far as any one in denunciation of the crime of stuffing the ballot-box, or in any way, by fraud, violence or other methods, intimidating the voter, or by any means of corruption bringing about a different result than the voice of a majority of the citizens actually accomplished."

On the question of jurisdiction, he cited a Louisiana case, *U. S. v. Nicholson*, 3 Woods, 215, in which Judge Woods laid down the law in these words: "No matter how much it affected the results of the election for ward officers, parish officers and members of the state legislature; we have nothing to do with that, and unless the purpose of the defendants was to affect the election of members of Congress, there can be no conviction in this case."

He proceeded to argue, as had been done by other counsel at a former stage, that as the act of the defendants affected only the election of a State officer, no offence against the United States had been committed. Judge Blodgett, in his charge to the jury, had used this language:

"It is charged that 230 ballots regularly cast at said election were destroyed or removed from the envelope in which they had been properly placed and sealed up, and that there were substituted in place of those so removed 230 other papers like those destroyed or removed, except that Brand's name for State Senator was substituted for Leman's, and, as the proof tends to show, all these ballots were for George E. Adams for representative for Congress. This fact affects the vote for representative to Congress, because there is no means of determining who those 230 voters voted for for representative. They may not have voted for Adams at all, or only a part of them may have voted for him, and hence the removal of those ballots is an offense against the United States."

In answer to this, Mr. Storrs contended that the real inquiry was, first, whether the overt acts shown upon the trial did affect the election of a member of congress, and second, whether they were intended to affect such election.

"And here it is proper to observe, that we must narrow the field of inquiry which Judge Blodgett has occupied. We cannot float out into the wide ocean of conjecture and guess-work. Our inquiry is not whether, by some remote possibility or contingency, these acts *might have* affected the election. For, in the case cited, the jurisdiction of the Federal courts over state officers, is asserted on no such dangerous basis. The inquiry is, *did* those acts affect such election? Whether they did or not is a matter susceptible of explicit proof. Whether they might, under a certain state of

circumstances which may be imagined, have affected an election, is so difficult of proof, and so dangerous in its character, as not legitimately to be made the subject of judicial inquiry.

"Moreover, unless by the acts complained of, the defendants *intended* to affect such an election, there can, under the rulings of the court to which I have referred, be no legal or justifiable conviction. And for the Federal courts to assume and maintain jurisdiction in the absence of any such intent, is a usurpation of power, and a stretching of jurisdiction not perhaps as dangerous in its results and consequences as the crime complained of, but sufficiently serious and grave in character to admonish extreme caution.

"There is not a scintilla of evidence that any or either of the acts done did affect the election of a member of Congress, nor is there the slightest evidence on record that any person on trial had any such purpose or object in view, or ever entertained any such intention.

"I may go further and say that the case and public history since that time both demonstrate that the election of a member of Congress was not affected, and that the specific facts offered in evidence upon trial, so far as they had any tendency whatever to throw light on the question, tend to show that neither of these defendants ever entertained any such purpose.

"It is barely possible that an act of Congress might have been so framed as to have made Judge Blodgett's rulings upon this branch of the case good law, but it is enough to say that there is no such act of Congress in existence, and probably never will be. Congressional legislation upon these subjects has reached its uttermost limits, and the current of public and congressional opinion is now setting strongly the other way. I think it is safe to say that we shall never see upon the Federal statute books an enactment, that any act done by a state officer which might affect the election of a member of Congress shall be punishable in the Federal court."

Judge Blodgett had instructed the jury that by the statutes of Illinois, the duty of safely keeping all the poll books, etc., was imposed upon the county clerk and his deputies. To this Mr. Storrs took exception, so far as the deputies, of whom there were then sixteen in the office, were concerned.

"When we speak of an officer of election, everybody knows what we mean; and if the meaning and significance of that phrase is to be extended beyond officers who officiated at the election, there is no place where we may stop. If it includes every man who has something to do to perfect the will of the people as expressed at the election, and to absolutely induct and clothe the person elected with all the muniments and evidences of power, into office, there is no end to it. Everybody almost is in that sense an officer of election. The governor puts the finishing touch here in this state. He is not an officer of election; but until he acts, the election so far as its final result is concerned is not consummated. Last fall I was engaged, not as an officer of election but as an active participant in an election. I came home from it a madder and a wiser man. A great many millions of people voted, and finally as a consummation on the 4th day of March last,

there stood on the steps of the capitol at Washington, in the presence of more than 50,000 people, Grover Cleveland, and in front of him the chief justice of the United States, who handed to him a Bible, and administered to him the oath of office, and then, and not until then, was Grover Cleveland the president of the United States. Was Chief Justice Waite an officer of election? It won't do. The cake is much too large for the platter; the interpretation is altogether too big, and there is no necessity which requires it."

To another proposition contained in Judge Blodgett's charge, Mr. Storrs made an effective reply, which went to the very root of this question of Federal jurisdiction. He said:

"After thus sufficiently misinterpreting the statutes, the court proceeds to misstate the effect of the acts complained of, and for the purposes of this argument it may be assumed proven. He says: 'When the certificate of the result of an election for a member of Congress, or any other officer for that matter, is altered in any material particular, such certificate is legally destroyed, and is no longer evidence of what it originally stated. It is no longer the document which the judges and clerks signed, but it is a different document, and it makes a different statement.'

"The consequences might indeed be exceedingly disastrous, was this extraordinary doctrine of Judge Blodgett to be sustained. It would be within the power, where great numbers of officers for different offices were voted for, of one bad man, by a single alteration in the certificate as to the vote for one official, even of the most insignificant character, to defeat the entire popular will as to all the other officers voted for throughout the entire state, indeed, throughout the entire nation. Such a thing can be conceived of as that the election of President Cleveland might have rested entirely upon the electoral vote of this state, and that electoral vote have been determined by the vote cast for him in this very precinct, and yet, we are assured that the public will of the people of the United States would have been defeated, had some officious scoundrel fraudulently altered a certificate as to the vote cast for coroner in that precinct.

"Now, if I am correct in my view of the case, that the balance of the certificate stands, notwithstanding the fraudulent alteration as to the vote for state senator, two conclusions are inevitable; first, that nothing in that direction charged in the information did in point of fact affect the election for representative to Congress, and, second, it will be clear, beyond debate, that all the evidence in this case—and it is the great volume of the evidence in this case—showing or tending to show the fraudulent change in the vote for state senator was entirely irrelevant and incompetent, and had no place before the jury in the court in which this case was tried."

After citing a long array of authorities in support of his position, he next addressed himself to the right of the District Attorney to file an information in such a case. On this branch of the subject he began by saying:

"The right, if any right exists at all—which I do not deny—to file informations in the Federal courts, is not derived from the common law, for the Federal courts have no common law powers or jurisdiction. Their powers come from Congress and from Congress alone, and by section 1022 of the United States statutes at large, it is provided as follows: 'All crimes and offenses committed against the provisions of chapter 7, titled, 'Crimes' which are not infamous may be prosecuted either by indictment or by information filed by a district attorney.' It is clear that Congress supposed that there were crimes embodied in the title indicated, and in which are embraced sections 5515, 5512 and 5511, which were infamous, and as to those crimes, no information would lie.

"My objections to this information are two-fold.

"*First*, that even if it be assumed for the purposes of the argument, that an information could be filed, this particular information has no foundation upon which to rest, and should be summarily stricken from the record for that reason.

"It is not my purpose to detain the court by any lengthy or protracted discussion as to the history of informations. It is enough to say, that they are regarded, both in this country and in England, with the greatest disfavor and suspicion, and that they are, even in cases where they are allowed at all—so high is the regard for the liberty of the individual—not permitted unless the proper foundations are laid, and it has finally become clearly the settled law that no information will be entertained and filed by the district attorney where leave of court to file such information has not first been secured. Leave of court in this case has been obtained, as the record shows; but it is equally well settled law that leave will not be granted and ought not to be granted unless a proper foundation is laid—that proper foundation being furnishing to the court to whom the application for such leave is made, legal evidence of the facts upon which the information itself is based. That in this case has not been done, and a more shallow, a more utterly absurd, a more weak and a more dangerous foundation for so serious a proceeding cannot be found in the whole record of criminal informations."

He showed, from a review of the record, that the only foundation for the District Attorney's information was the affidavit of one Albert M. Day, who after swearing to the general course of the election and the fact of the falsification of the return, added that "this affiant is informed and verily believes" that the defendants were the persons guilty of the fraud. So that the sole ground for the trial was the affidavit of a man who did not even profess to know the facts upon which the charge was brought, and Mr. Storrs claimed that to arrest any man upon such an affidavit was a travesty of justice.

"The most disgraceful pages in English history, so far as its administration of justice is concerned, are those which record the interference with the

lives, liberties and property of the citizen by information, and wherever the grand jury system has been abolished and proceeding by information substituted in its place, the method of proceeding by information has been so guarded and hedged against outrage and abuse as practically to operate—although the name has been changed—as a substitution in point of fact for the grand jury system of another judicial proceeding where inquiry was openly had upon the facts stated on oath, and no action was had except upon evidence legal in its character and competent to convict. And so I say, even if we stop here, this whole fabric should be razed to the ground. I urge this because, among other reasons, I desire to see the jurisdiction of the Federal courts sustained and maintained, but I do not believe, that if the powers of Federal tribunals are thus to be prostituted, they can long stand against an aroused public and congressional opinion which such a policy is sure to excite.

“But next: Could in this case an information under any circumstances have been filed? And this, without further discussion, I suggest, depends entirely upon the consideration as to whether the offense of which these defendants have been convicted and for which they have been sentenced, is infamous. So much has been written and so much said in the vain effort to determine what is infamous, and the authorities are so far apart, and so utterly irreconcilable upon that question, that I will not attempt to discuss them in detail nor to reconcile them. Judge Blodgett evidently regarded the offense as infamous, for, in speaking of it in his charge, he said: ‘It is conceded that a great crime has been committed, a crime in comparison with which armed and open treason becomes a trivial offense.’ Armed and open treason against the government of the United States is a capital offense; it involves the wicked sacrifice of countless lives, and the destruction, and wasteful destruction, of millions of property; but, compared with this offense, it is trivial. And yet, the gentlemen who are maintaining and endeavoring to sustain this proceeding say, that the offense which the judge, whose charge they are thus supporting, characterizes as so gross that armed and open treason becomes beside it a trivial offense, is not an infamous offense.

“In this case, as we have already seen, the punishment may be and will be, if the sentence is enforced, imprisonment of each of the defendants upon whom sentence has been passed, in the penitentiary for a period of two years. The effect of such imprisonment is to render, under the laws of the State of Illinois, the party suffering it, infamous. It may operate to sunder his domestic relations, for, among the causes for divorce enumerated in our statutes, one is where either party has been convicted of felony or other infamous crime, and, under the well settled law of this state, an offense followed by imprisonment in the penitentiary is a felony. Moreover, I insist that the 70th section of our election laws is applicable to such a case. That section provides that no person who has been legally convicted of any crime, the punishment of which is confinement in the penitentiary, shall be permitted to vote at any election, unless he be restored to the right to vote by pardon. There is no territorial limitation under this section. There is no exception of persons in this section. There is no line



drawn between courts in which the conviction has been had. This great state proposes to keep, so far as it can by legislative enactment, its ballot unpolluted from the hand of the convicted felon; it requires only that the conviction shall be legal, and is quite indifferent as to the court in which the conviction has been had, or the state or place where it has been had.

"I suggest most respectfully to your Honor that it is well for us to pause and inquire whether the infliction of the sentence imposed by the court in this case with the consequences which follow, family relations sundered, civil and political rights destroyed, does not affix upon the convicted a disgrace so indelible that the mildest form of language, judging the crime for which they have suffered by the consequences following from its commission, would characterize it as infamous."

The gravity of the questions thus presented was sufficiently serious in the mind of Judge Gresham to induce him to grant the writ of error and supersedeas, and admit the defendants to bail. The case was afterwards reviewed by Mr. Justice Harlan and Judge Gresham, to whom Mr. Storrs addressed an argument which, in the opinion of many who heard it, was the crowning effort of his professional career. The court-room was crowded, and as we so often hear in reports of public entertainments,—as was the fact, indeed, wherever Mr. Storrs was announced to speak outside of Chicago,—hundreds were turned away for want of room. In his argument upon this occasion, he addressed himself exclusively to the legality of trying such a case by information, for it had now become apparent to the prosecution themselves that the constitutional question here involved was the most serious one they had to grapple with. The fifth amendment to the constitution of the United States says:

"No person shall be held to answer for a capital or otherwise infamous crime unless on the presentment or indictment of a grand jury, except in cases arising in the land or naval force or in the militia, when in actual service in time of war or public danger." The main question to be considered, therefore, was whether the crime charged against Mackin and his accomplices was an "infamous" crime. Mr. Storrs quoted from Judge Gray's opinion the language of Lord Auckland: "There are two kinds of infamy; the one founded in the opinions of the people respecting the mode of punishment; the other in the construction of law respecting the future credibility of the delinquent." The latter classification was not claimed in this case, and therefore the sole question to be considered in determining the construction to be

put upon the word "infamous" was the opinion of the people regarding a penitentiary sentence, and its consequences to the convict himself. The counsel for the government had labored hard to convince the Court that it was the "hard labor" clause alone that made the punishment infamous. Mr. Storrs contended that there were other consequences involved in the sentence besides hard labor. It involved the cropping of the hair, the wearing of prison garb, coarse food, and close confinement, as well as hard labor. It might also involve the sundering of the marital relations, for imprisonment in the penitentiary is made by the laws of Illinois a ground for divorce, and it also involved the disfranchisement of the convict under the election laws. But as to the matter of hard labor, Mr. Storrs showed that, by operation of law, every sentence to the penitentiary included hard labor, whether the words were inserted in the mittimus or not. Judge Gray had said, in the case already referred to, "What punishment shall be considered as infamous may be affected by the changes of public opinion from one age to another. In former times being put in the stocks was not considered as necessarily infamous. . . . But at the present day either stocks or whipping might be thought an infamous punishment." Commenting on this language, Mr. Storrs said:

"Now, there is no hard labor in being put in the stocks, and whipping can hardly be called hard labor, except to the party who administers the punishment; certainly not to the one who receives it. It is obvious that the entire stress of the opinion is rested upon the nature of the punishment, and that whether that punishment is or is not infamous is to be determined by no fixed rule, but by public opinion; and, to say that in this country and at this time public opinion does not regard imprisonment in the penitentiary as infamous—to say that such imprisonment does not cover the person who suffers it with ignominy, is an abuse of terms, is a denial of a condition of things which every open-eyed and fair-minded man knows to exist. Every one knows perfectly well that public opinion draws a wide line of distinction between imprisonment in the penitentiary and in the county jail, and every one knows that that wide distinction is based not upon any consideration as to whether the convict works in one place and is idle in the other, but entirely upon the place where the imprisonment is had. Does it ever occur to any person whose impression of a man is made by the fact that he is or has been a convict in the penitentiary to inquire whether he worked or whether he idled away his time while such convict? The basis upon which the ignominious character of such a man is placed is not what he did while in the penitentiary—nobody stops to make inquiry about that—but it is simply upon the fact that he was there as a convict at all. Nor does public

opinion to-day pause to inquire whether a particular convict just out of the penitentiary had coarse food or fine food, whether he wore striped clothing, or was permitted to indulge in the usual garb of the citizen. Opinions are not based upon considerations of these fine details. A convict may be called upon to do labor which is not hard, but which is rather agreeable than otherwise. Is the gifted linguist in the penitentiary, whose scholarly acquirements are put to use by the warden, less infamous in point of law or fact than the unlearned convict who pounds stone day after day, or who is engaged in the manufacture of shoes under contract within the walls of the penitentiary? And hence, we insist that it is not only a fair, but a necessary deduction to be drawn from this opinion, that imprisonment in the penitentiary is an infamous punishment, and that an infamous punishment can only be the result of an infamous crime; that public opinion regulates the question, and, that thus regulated, these defendants were put upon trial by information for an infamous offense, in violation of the fundamental law of the land.

"There is no penitentiary in the United States, I believe, where the convicts are not subjected to hard labor, and, in the case of those statutes, where by express terms hard labor is imposed in addition to the imprisonment, such addition is merely declaring what the law has already declared in every State in the United States as an incident to, and a necessary consequence of, imprisonment in the penitentiary. The infamy of the punishment consists in the fact that the doors of the penitentiary are closed upon the man. The disgrace in public esteem and opinion is then indelibly fixed. Such a disgrace, unless there be an intervening pardon, is perpetual; it pursues the convict like a shadow through life; it interferes with him ever thereafter in all business pursuits; it robs him of the confidence of his fellow men. He seeks employment with hesitancy; he secures it with difficulty; for, let the convict, after his term has expired, even animated with the purest and most honest intentions, and with all personal appearances in his favor, seek employment, the mere suggestion in the quarter where he thus seeks it that he has been a convict within the walls of a penitentiary, determines his application, and no man yet, it is safe to say, has ever been discovered who has qualified, modified or reduced his ill opinion of the character of a man thus imprisoned because he subsequently ascertained that, although he was in the penitentiary ten years, he never did a day's work while he was there. The cropping of the hair is disagreeable; it is ignominious where it is compulsory; it is more ignominious than the hard labor. Indeed, about hard labor, as such, there is nothing which is not entirely creditable, and all the ignominy which grows out of it or which can be attached to it, results, as I have already said, from the fact that it is compulsorily enforced in the penitentiary."

In opposition to the government theory that hard labor alone made the punishment infamous, Mr. Storrs further illustrated his view of the question by discussing in a humorous way some of the other accompaniments of penitentiary discipline. The crop-

ping of the hair, for instance, was an operation to which large numbers of men submitted voluntarily; the ignominy of the penitentiary cut was that it was compulsory. He insisted, amid great laughter, in which Justice Harlan heartily joined, that if the government counsel's theory were correct, not a bald-headed man in the community could ever be convicted of an infamous crime, because to that extent at least the penitentiary discipline could have no terrors for him. As to the striped suit, he said it was a matter of taste with a good many "dudes" to wear them, and the louder the stripes the better they liked them; but it made all the difference in the world whether the striped suit was one of their own choosing, and worn outside of the penitentiary, or was the penitentiary uniform, and worn compulsorily inside the penitentiary. He then quoted the statutes of Illinois governing the management of Joliet penitentiary, and referred to a correspondence which had taken place between the District Attorney and the warden of the penitentiary on the subject.

"Let courts," he said, "be silent while the warden speaks. This warden, in reply to the letter addressed to him by the District Attorney, states that, under such a sentence as Mr. Tuthill has copied into his letter, the prisoners to whom it refers will not be subjected to hard labor while serving out their sentences. We are fortunate in one respect, in the disclosure of this correspondence, for it demonstrates the fact that the period has arrived, and the time is full upon us, when the warden of the penitentiary at Joliet stands greatly in need of discipline. This warden has no right whatever to give any directions as to the discipline, government, reformatory measures or treatment of the convicts in that penitentiary. All those questions are determined exclusively by the commissioners, and the only duty which the warden has to perform in that connection is to see to it that their directions are strictly enforced, and his opinions have not the slightest weight in the matter. It is astonishing to note the very positive conclusion which the District Attorney draws from this extraordinary correspondence. To his mind the warden of the penitentiary has settled this grave question of law. Had the warden been absent the deputy warden would probably have spoken for him, and, had they both been absent, the question doubtless would have been referred to the chaplain. I do not need, nor is this court, I venture to say, especially anxious to be enlightened by the opinion of the warden of the penitentiary upon a legal question—one which involves the interpretation of the statutes of this State. It is quite possible that this warden has steadily failed in the performance of his duties; that he has failed to carry out the rules and regulations established under and by the authority of law. As to what, as a matter of fact, his conduct has been in that direction, he knows better than I know, but I think I do know, that if he has failed to enforce these rules and regulations, he has been exceed-

ingly remiss in the performance of his duties; has violated the law and deserves immediate correction. He tells us what the duty of the authorities of the institution is. I decline to seek information on such a question from such a quarter. The statutes of the State of Illinois define the duties of the authorities of that institution, which this court is quite capable of reading and abundantly able of comprehending and interpreting without the assistance of a jailer or a warden, a bailiff or a chaplain. The District Attorney," he continued, "could have had better information by consulting the statutes of the State of Illinois. He did not need to write a letter to them; I have no doubt he has them in his own office. I must repeat that I prefer to take my law from some source more authoritative and commanding than the warden of the Joliet penitentiary. It satisfies the District Attorney, but it does not convince me. The warden has decided that the discipline of the Joliet penitentiary does not and *cannot* subject convicts from the United States courts in cases like the present to hard labor. With due submission I think it can. I am still of the opinion, that should the commissioners for the specifically declared purpose of discipline alone, require by rule and regulations of their own making, that every convict there imprisoned should be employed at hard labor every day, Sunday excepted, that such rules and regulations would be within the range of their legal powers, and that the warden would be compelled to change his views of the law, and diligently see to it that those rules and regulations were faithfully enforced."

He concluded his argument on this point by saying that he considered it unnecessary to follow counsel into the regions of lexicography, although it would be safe even to do that. Max Müller had called dictionaries "the grave of language."

"The meaning which is generally attached to the word 'infamous' is, under our modern and enlightened system of jurisprudence, precisely the meaning which the courts will attach to it, and that an offense is infamous which renders its perpetrator ignominious in the eyes of mankind is so clear a proposition—so wise and so just, that we can safely adopt it, and no harm, we may be sure, will come from its adoption. The beneficent spirit of our laws—of the organic laws of the nation—subjects a man to no trial and to no punishment which blackens his name, envelopes his character in ignominy and degrades his family, unless the charge upon which he is tried has been based upon legal evidence, and not merely upon the information which any officer of the government may claim to possess. No supposed public emergencies are sufficient in their character to justify us in losing sight for a moment of these substantial safeguards to the liberty of the citizen.

"The counsel for the government have all conveniently overlooked another most important feature of this remarkable prosecution,—that the information upon which it proceeded was in form a violation of every precedent known to the history of the common law. This information stands alone—on a bad eminence of information and belief. Under the laws, there is in all this country no man so humble, none so degraded, as to be sub-



jected to such a trial as that through which these defendants have passed, upon a charge preferred by an unofficial citizen, and based solely and exclusively upon information and belief. So serious are these questions that the offense of disregarding a solemn mandate of the constitution is as great as the one with which these defendants are charged."

Mr. Storrs' peroration was a masterpiece of grave and impressive eloquence, bringing to a triumphant close one of the ablest arguments ever heard in a Chicago court:

"It is, on the whole, a matter of solid congratulation that the government of this country is not conducted by volunteer organizations of citizens, however worthy they may be. It is a matter for sincere congratulation that the laws are not enforced, nor declared, nor enacted, nor is justice administered by committees. These committees are purely volunteer organizations, and it is not at all rarely the case that their zeal runs away with their discretion.

"If it should be deemed at all necessary for the purposes of this discussion, I can join most heartily with the learned counsel for the government in denunciation of crimes and offenses against the purity of the ballot. I think I esteem the preservation of the largest liberty of the suffrage and the purity of the ballot as highly as they, and I know that I have regarded wholesale outrages upon the right of suffrage, involving the practical disfranchisement of majorities in entire States with much more apprehension and with much greater abhorrence than has been entertained by many of the very excellent gentlemen constituting the Chicago committee of Public Safety. But of whatever crime a man may be charged, as a lawyer and as a citizen I must still contend that he be tried according to the forms of law, and I am not so hopeless of the capacity of the average American citizen for self-government as to believe that crimes cannot be punished except through violation of fundamental legal principles. I believe that the whole social and legal edifice may be maintained, each and every part in its integrity; for to enforce one law it is not necessary that we should violate another. The laws were made for all, to benefit all, to be obeyed by all; to be obeyed and regarded by the courts as well as by the humblest citizen; and aggregations of citizens, no matter how numerous nor how respectable nor how influential they may be, have no more right to redress one wrong by the commission of another than has the humblest, poorest citizen in the land. Believing confidently that in this case fundamental principles most essential to the protection of the liberty of the citizen have been violated,—confidently believing that the Constitution of the United States in one of its most vital features has been disregarded,—I insist upon it that the dethroned Constitution shall be enthroned, and that to do this no crime need go unpunished, and no substantial right, either of a public or private character, go unvindicated."

The result of this discussion was a disagreement of the court, and a certification to the Supreme Court of the United States of the points of disagreement, the two most important being the

jurisdiction of the Federal court in the premises, and the legality of trial in such a case by way of information.

In the meantime, Mackin had been investigated by a special grand jury of Cook county, for an offence against the State law, grounded upon the same facts that had been brought out in evidence before Judge Blodgett. He was subpoenaed to appear before this grand jury, and instead of refusing to answer the questions put to him, which he had a right to do, gave evasive and tricky answers, whereupon the grand jury returned an indictment against him for perjury. Mr. Storrs was retained to defend him on this charge. The Chicago newspapers had raised such a clamor about the possibility of Mackin's escape from punishment in the Federal court, that the State's attorney, although a Democrat himself, felt bound to use his utmost efforts to satisfy public clamor by securing a conviction under the State laws, and with this end in view a special grand jury was organized, all inspired by the same patriotic feeling, who at once returned indictments against Mackin not only for his offence against the ballot, but tripped him up on his own evidence before them, and indicted him for perjury. The State's Attorney proved two sets of facts on the trial of this case. The official stenographer read over his notes of what Mackin had actually testified to before the grand jury. Members of the grand jury were called to swear to their recollections of what he had sworn to, and their testimony was far stronger, being colored by their impressions, than the actual record. Mackin had sworn that he did not order the printing of the bogus ballots from "the Wrights." The two brothers Wright were placed on the witness stand, and the one with whom Mackin had had his negotiations testified to that fact, while the other testified that he had had no dealings with Mackin at all, but took his orders from his brother. The exasperated state of public opinion, goaded on by the fear that the proceedings in the Federal Court might ultimately be set aside, demanded Mackin's conviction on the perjury charge, and he was duly convicted, the jury awarding him the severe sentence of five year's imprisonment in the penitentiary.

It now became Mr. Storrs' duty to use all efforts to save his client from the doom to which the pressure of outside opinion

had consigned him; and no lawyer ever devoted himself with more thorough earnestness and self-sacrifice to this end than he did. In the boiling heat of the dog-days, he journeyed into Southern Illinois to lay the case before a Justice of the Supreme Court whom he hoped to find uninfluenced by Chicago newspaper clamor. Judge Shope had just been elected to fill a vacancy, and being the youngest Judge on the Supreme bench, was averse to taking the sole responsibility of the hearing, but consented to sit with Chief Justice Craig at Galesburg to hear the application for a supersedeas. Accordingly, the hearing of the motion was had at Judge Craig's house. Mr. Storrs presented his points with his usual skill and ability, and the Judges came to a compromise decision, granting the supersedeas, but declining to admit Mackin to bail.

In the effort to save Mackin from the penitentiary, Mr. Storrs sacrificed his own life. The appeal was argued by him at the September term of the Supreme Court held at Ottawa, and Mr. Storrs, who was then suffering from the attack of pleurisy which terminated fatally, said in the course of his opening remarks that this was probably the last occasion upon which he would deliver an argument before that court. It proved to be the last.

Mr. Storrs took exception to the organization of the special grand jury by whom the indictments against Mackin had been found. The statute, he said, contemplated the calling of special grand juries on occasions of public emergency in rural counties, where there were usually not more than two terms of court in a year, and was never intended to supersede the ordinary method of calling grand juries. At the time this special grand jury was called, a regular grand jury was in session, and no public emergency required or justified the calling of a special grand jury to deal with these election cases. Again, Mackin had been compelled to attend before this grand jury on a subpoena, so that he might be convicted out of his own mouth. He was present before them without counsel, and the direct question was put to him whether he ordered the printing of the spurious ballots. Wright, Thompson, and Fries had already testified that he did.

"His situation, it must be remembered, was different from what it would have been before a petit jury in a trial in open court. He would there have been cautioned, and, moreover, on a trial before a petit jury, his presence upon the stand as a witness against himself, even by silence or by direct admission could not have been enforced.

"So, the situation is simply this: Compelled to appear, examined in secret—had he admitted that he had ordered these ballots and received them after they were pointed and engraved, he is forthwith indicted upon his own testimony. Does he refuse to answer on the ground that it criminalizes himself—this is also sufficient ground for indicting him, from his silence. And, does he deny it, then he is indicted for perjury. Thus there is no escape, and there is no doctrine of good morals and common justice to which the principle resorted to in this extraordinary case was not obnoxious.

"I have not been able to find express adjudications upon this point, but the reasoning is so strong that perhaps express adjudications are unnecessary. A case on all fours with the present one occurred in Chicago a few years since, and was decided by one of the most distinguished judges among our local judiciary—Judge Gary.

"A special grand jury were investigating the general subject of gambling houses, as they claimed, and having subpœnaed some parties before them, two or three parties testified that they had received money from Michael C. McDonald, that he had paid the rent of certain premises, etc.; testimony sufficiently cogent to show that McDonald was interested in the gaming houses; whereupon, in order to make matters doubly sure, this sapient special grand jury summoned McDonald and called his attention to the testimony of those witnesses, and McDonald denied them point blank. Whereupon, the grand jury, failing to have convicted McDonald out of his own mouth, indicted him for perjury, and called the witnesses who had appeared before them upon the trial of the indictment for perjury, as witnesses against him. The case had proceeded far enough to show its exact situation, when Judge Gary cut all argument and debate short by refusing to entertain it, and instructed the petit jury before whom the case was on trial that no man could be subjected to a trial under those conditions, and he would not permit it and that they must return a verdict for the defendant, which they did.

"The case has not been reported, but it is a ruling by one of the most able and one of the most fearless of our judges. It is in point, and is entitled to fully as much weight as the ruling of Judge Moran in the present case in refusing the instruction presenting that precise question."

On the trial before Judge Moran, Mr. Storrs had offered an instruction to the effect that if Mackin's testimony was different from that set forth in the indictment, even though such testimony were false, he could not be convicted under that indictment. This instruction was refused, and Mr. Storrs elaborated the point before the Supreme Court that the variance between the statements set forth in the indictment and the statements actually proved by the evidence was fatal to a conviction. Several other instructions for the defendant were refused, which Mr. Storrs contended ought to have been given. A juror named Gray was

found, after the trial and conviction of Mackin for perjury, to have been eccentric in his conduct, so much so that some of his neighbors thought him insane, and this was also presented by Mr. Storrs as a reason for granting a new trial.

The decision of the Supreme Court was not given until several months after Mr. Storrs' death, and it was, as everybody expected, adverse to Mackin. He was at once removed to Joliet penitentiary to serve out his sentence, and he is there now, not in vindication of the purity of the ballot box, but for constructive perjury.

The point made by Mr. Storrs as to the legality of trial by information in the case of an infamous crime was sustained by the Supreme Court of the United States in the spring of 1886, and thus the accomplices of Mackin in the great fraud in the 18th ward are to-day free men, no further steps having been taken against them, and Colonel Tuthill having resigned his office has been succeeded by a Democrat. Gleason was never called up for sentence, and has profited by the exertions of Mackin's counsel to the extent of escaping punishment altogether. The purity of the ballot-box has not been vindicated, but so long as the arch-conspirator has met with punishment, and been laid aside for a time from further interference in Chicago elections, the community seems for the present content.



N. J. C.

June 9<sup>th</sup> 1882.

His Excellency,

Prince Bismarck

Dear Prince

I take pleasure  
in presenting to you Mr.  
Emory Storr, a distinguished  
lawyer of Chicago Illinois,  
who visits Europe this summer  
on a tour of pleasure and  
recreation. I am sure you  
will be pleased with Mr.

Storrs, and find him a  
good representative of a  
village that has grown  
from a frontier Indian  
trading post fifty years  
ago, to a city of 60000  
inhabitants now, with a  
suburban of probably 100,000  
more - and I fully see this as  
many Germans as Berlin has.

Mr. Storrs is specially  
anxious to make your  
acquaintance being families

as he is with your great and distinguished  
father's name. He will appreciate my attention  
he may receive as I will to have him  
reunited as my personal friend.

Very truly yours  
W. A. Ward



## CHAPTER XLIV.

### THREE MONTHS IN EUROPE.

ROSY DESCRIPTIONS OF EXPERIENCES ABROAD—MODEL LETTERS FROM A TRAVELER—IMPRESSIONS OF LIVERPOOL, LONDON, EDINBURGH, AND OTHER POINTS OF INTEREST—FEATURES OF FOREIGN CHARACTER NOT USUALLY NOTICED—A BIT OF BUSINESS WITH PLEASURE.

IN the summer of 1882, Mr. Storrs gratified a desire which had been carried in his heart since boyhood, to see the Old World. It was no easy matter to lay down the burden of home duties, but he was in absolute need of rest, his physicians advised it, and, then, an element of wealthy packers of the West urged him to go in the belief that he might, if only by personal advocacy, secure more earnest effort on the part of the American representatives abroad to remove the restrictions imposed by certain foreign governments upon the shipments of American livestock and the importation of American meats. With this excuse of business, Mr. Storrs indulged in the pleasure, and, equipped with letters from General Grant, President Arthur, Secretary of State Frelinghuysen, and from various influential, social, loyal and mercantile representatives, his journey was a notable one. In after days, Mr. Storrs was wont to speak of his limited trip abroad as a dream, without a single sorrow to alloy. During his absence, he contributed occasional letters to the *Chicago Tribune* in which he told in a graphic and breezy way of his experiences and impressions. He possessed a natural power for vivid pen pictures, and as an editorial allusion to one of his letters remarked "from the flood of tender recollections called up by the ivy-clad battlements of Windsor castle, Mr. Storrs skips with delightful airiness to some reflections becoming the admi-



rably developed ankles of a young lady who appeared upon the stage of a London theatre; and amid the solemnity of Shakespeare's burial-place he does not forget to mention that the tree under which the Bard of Avon once slept off the effects of too much wine is still shown to visitors." The practical remarks upon persons and places, the vein of humor, and the beauties of many of his reflections, are delightfully commingled in these newspaper dashings. To any reader they must be interesting, and to the one who may have grown familiar with most of the spots described, these samples of his letters will be welcome.

"I have deferred the fulfillment of my promise," he wrote, from the Grand Hotel, London, July 31, "to write back my impression received from this my first trip across the ocean—a promise to record things, not necessarily as they had before been recorded, but precisely as they appeared to me, until my stay in England was completed.

"I have been in England now three weeks, leaving to-morrow morning for Scotland, and while I am aware of the fact that in so short a time no observations except those of a most superficial character could possibly be made, yet some impressions have been left upon my mind during this visit so pleasantly clear and distinct that I doubt much whether the most protracted stay would change them. Our voyage in the good ship *Baltic*, leaving New York on the 1st of July at 5 o'clock in the morning, was a delightfully pleasant but otherwise uneventful one. I apprehended for myself all the horrors of seasickness during the entire voyage. I had made ample preparations for it. A very hearty dinner the night before starting followed by a supper at 11 o'clock, then the start for the steamer about half-past 3 in the morning and a cigar before breakfast. It seemed to me to insure seasickness and make any other result impossible.

"A nasty drizzling fog hung over the ship as we reached it; a feeling of discomfort seemed to pervade all around. Promptly at 5 o'clock we left the docks, and I at once called together all the stewards of high and low degree about the ship, whom the guide-books had instructed me it was necessary to fee, and told them I desired to fee them at once, as in thirty minutes I should be utterly useless and prostrate. I admonished them all that whatever attention a sick and thoroughly wretched man might need I desired, for I anticipated seeing nothing of the ocean or decks for myself. I invoked for myself their kindest and most sympathetic attention. The fees thus paid in advance seemed satisfactory, and I received the most hearty assurance that everything would be done that could be done, not to make me comfortable, for that we all supposed would be impossible, but to reduce my discomfort to the lowest possible minimum. I remained on deck, watched the fog and the receding shores of the bar and lower bay, watched the shores as we passed Sandy Hook, watched the waters carefully and narrowly as we passed on into the open sea; saw the pilot leave the ship and turn back in the pilot boat homewards; made anxious inquiries

of old navigators as to the exact time when the sea might be expected to be rough, and patiently awaited the dreadful nausea of seasickness, which thirty years ago I had experienced on Lake Erie.

"The minutes went by and the hours passed, and the ship rolled somewhat and my disappointment grew and grew, and continued to grow. I was not seasick.

"Presently, about six hours after our departure, the unmistakable signs came, and in the midst of a discussion on Pennsylvania politics—a subject in itself sufficient to make any one seasick—I withdrew from the deck, made an instantaneous settlement with Neptune, experienced a sudden relief, and returned 'clothed and in my right mind,' not having been absent from the deck five minutes, and from that time forward throughout every hour of the day was perhaps one of the most able-bodied and one of the hungriest men on that ship. I am satisfied that I am a navigator, and shall be satisfied that I am one until I cross the channel, which I propose doing next week, or until I start for home, which I intend doing on the 7th of October.

"We had been assured that on our arrival at Liverpool that city would present a most disappointing appearance; that it was dirty, gloomy, and forbidding; that the hotels were execrable, and that we should be anxious to hurry straight through it; that its streets were narrow and dark, and that everything about it was unfavorable.

"It is possible that we reached Liverpool under most fortunate circumstances, but all along from the pier beside which our ship anchored the shores were lined with beautiful cottages, the fields were green and charming, and Liverpool itself quite a different city from that which it had been represented to be. I have omitted to mention the eagerness and delight with which we first saw the Irish coast. My vision failed me, however, and while the coast is very beautiful it was not to my eyes green. Everybody said it was green, and when I began to reason that it did not look so, I was told that it was really green, but did not appear so because the sun was not shining upon it from the proper direction. I presume therefore it is green, and that at a season when the sun is doing proper duty to the Irish coast it would appear the proper color to me. We reached Liverpool, having no trouble whatever with our luggage, and drove directly to our hotel, the Adelphi. The streets were broad and clean, the buildings fine, the day bright, the rooms at the Adelphi large and comfortable, the service all that could be desired, and the attendance excellent, everything home-like and most cheering to one who had just closed a voyage across the Atlantic. That afternoon we drove about the city and found its surroundings very beautiful. Prince's Park is a series of most lovely landscape pictures, and we have nothing finer in our country.

"A few of the public buildings are extremely fine. St. George's Hall is a magnificent structure both inside and out, and the great lions cast in bronze and the colossal statues of the Queen and the Prince Consort, the monument of the Duke of Wellington, and the public buildings surrounding that square are very handsome.

"We decided not to hurry through Liverpool, but to remain a night, and took train the next day to the old, old city of Chester, reaching there about midday and stopping at an elegant hotel built by, and the property of, the Duke of Westminster. I cannot take the time to describe Chester, which has already been done again and again, and to much better advantage than I could possibly do it. There are old buildings way back into Queen Anne's time, quaint, curious, and in their way beautiful. There are the narrow, winding streets of the olden time. There are portions, and quite large portions, of the old Roman wall, 1,800 years old. There are still standing old towers which run way back centuries, covered with moss and ivy. There is a beautiful river, and the Castle of the Duke of Edinburgh which is used as a military depot.

"Thence we drove to Eaton Hall, one of the seats of the Duke of Westminster, through magnificent grounds, the like of which, as private grounds, cannot be seen in America. The hall itself is a splendid structure, and the view from it, over the smooth, velvet lawns, through the great clumps of trees and the river shining just beyond, is most beautiful. The next morning we started for London, but in the meantime I had the pleasure of meeting the American Consul at Liverpool, Governor Packard, and General Merritt, the Consul-General at London, who was there awaiting the arrival of his son on the Alaska. On all hands I heard the highest encomiums of Governor Packard, and the fidelity with which he watches and guards the interests of our people. I was fortunate enough to secure what the English call a carriage for my little party, consisting of my wife, Miss Brittan, and myself, over the Northwestern Road to London, and under such favorable circumstances, having the carriage exclusively to ourselves, I cannot imagine a railway trip more enjoyable. All along through that 200 miles were the most delightful landscapes, smiling fields, and forests of the deepest and richest green—cabinet-pictures of landscape which to the American eye are very captivating.

"Leaving Liverpool at 10 a. m., we reached London at 4 o'clock in the afternoon, drove at once to the hotel Continental, where we had temporarily secured rooms (the Grand Hotel being then crowded), and so soon as it was possible hastened to see what we could that afternoon of London, driving in Hyde Park, the beauties of which I shall refer to more fully hereafter. Returning to the hotel, and still anxious to see something more with the eagerness of a first visit, we went to the St. James' Theatre, where a charming little play, 'The Squire,' was being performed for the hundred and something time. I am sure that when Mrs. Kendall, the leading lady in the piece, visits America our people will be delighted with her, her acting is so smooth, easy, and natural. Her reading is perfect. The next day we visited the Tower. I was not disappointed in the Tower, but it was quite different from what I had expected to see. I had carried in my mind, though I had no reason for so doing, the idea of a great, lofty, single tower; such is not however the Tower of London. It is a series of not very lofty towers, occupying different portions of what in its time was a very extended fortification or citadel. I had not thought of it as a fort,

which it in fact is—useless to-day, certainly, as such, but at the time it was built practically impregnable doubtless, but it is full of history of the saddest and most tragic character. Portions of it run way back to the earliest days of English history. We saw the tower in which Anne Boleyn, Sir Walter Raleigh, Essex, and Lady Jane Grey, and countless other unfortunates of such times, were imprisoned. We saw the passages, gloomy and dark, through which Anne Boleyn was conveyed to the place of her execution; we saw the dark and frowning entrance called the Traitor's Gate, through which State prisoners were brought by way of the river; we saw and trod upon the stairs under which the Princes were murdered; we saw a collection of armor worn by the old Knights of warlike and bloody times; we walked over passage-ways which English Princes and noblemen had trod many a weary hour, and we could not feel otherwise than impressed with the sombre, savage, cruel gloom of the place and its surroundings.

"But a little distance from the Tower itself is Tower Hill, where State prisoners were gibbeted and beheaded, and all around, could the ground speak, it would be eloquent with the history of those bloody and cruel times we sometimes hear spoken of as the 'good old days'—happily long since passed away. In some respects the so-called Jewel-Room is the most attractive part of the Tower, for there are kept the crown jewels of Great Britain—the crowns worn by Kings hundreds of years ago, gold and ivory staves and sceptres which they had borne; golden cups out of which they drank, and huge golden bowls in which their punch was brewed; their spears and their shields; the golden maces and wands borne before the Kings and Queens—all these in glass cases are displayed in glittering bewilderment.

"I think no one can visit the Tower of London, who is at all familiar with English history, without leaving it with a certain feeling of depression. There is so much of tragedy and pathos in its annals that it seems to be in the very air of the Tower and the surrounding neighborhood. You take that feeling as you would a disease in the malarious atmosphere, and you drive away still and sad, and wondering that such things could ever be. Reaching our hotel it was evident something must be done to change the mood in which the Tower had left us. No change could be greater than that from the Tower to Rotten Row and Hyde Park; the former of which was in the afternoon crowded with splendid equipages, among which we drove up and down, around and about the park, and to the memorial statue to the Prince Consort, erected by the Queen, a glittering, gilded, splendid tribute. In the evening we saw 'Patience' at the Savoy Theatre, where this opera was first presented and is still running.

"The next day we visited Westminster Abbey, and that exceeded our highest expectations of it. Something of this was due doubtless to the fortunate time we visited it. The chorus of boys was chanting the service, and their smooth, sweet voices seemed to float through the great abbey, and was a most fitting prelude to our visit. The service finished, we spent these delightful hours in the abbey, and such a multitude of magnificent monuments of the great and small, good and bad of England's history.



"The Poet's Corner has been written threadbare, but he must be very dull indeed who visiting it would not feel deeply impressed by all that he saw above, beneath, and about him. Perhaps the most attractive portion of the abbey is the old chapel of Henry VII., and before we enter it, on the right side and on the left respectively, were little rooms containing the monuments or marble effigies of Queen Elizabeth and Mary Queen of Scots. The face of Mary has a pinched, narrow look, but that of Elizabeth is wonderfully effective; it has all the hard, strong-willed, cruel lines characteristic of her race, and as one gazes upon it one cannot fail to read the history of that marvelous woman. The chapel itself is famed for its wonderful roof—so light, so exquisitely airy that it seems impossible to carve in stone, lines and threads so delicate as those which seem to float above us.

"Leaving this wonderful chapel we find the old tombs of England's Kings, and as our journey is nearly finished come to the tomb of Edward the Confessor, more than 800 years old, and the old worn clumsy chair in which England's monarchs for hundreds of years have sat during the ceremony of their coronation.

"One visit to Westminster Abbey is very unsatisfying—portions of it are so old, some being at least a thousand years of age. Outside and in it is so curious, so beautiful, that to visit it once is simply to create a desire to pay another visit, which we did again, and again, and again. . . .

"The vastness of London, the multitude of places which one desires to visit, oppresses any one whose time is limited. After having visited the Tower, Westminster Abbey, and the Parliament Houses, we spent a few hours in the national art gallery. I make no pretensions to being a judge of pictures, but was delighted with the Turner collection exhibited there, at the great pictures of Claude, and impressed with the sumptuous splendor of some of the old paintings of Paul Veronisi. It seemed to me that it would be difficult to gather a more complete representation of all schools of art than can there be found, and I, feeling myself quite incompetent to pass an opinion of the general merits of the collection, inquired of our Minister, Mr. Lowell, who gave it as his opinion that nowhere in Europe was there a more valuable collection of pictures, one more comprehensive and thoroughly representative in its character, than in the National Art Gallery. There are at least half a dozen of Turner's pictures which I think would impress any one—two great landscapes which he contributed to the gallery on the stipulation that they should be hung side by side with two celebrated pictures of Claude, of wonderful atmospheric effects. 'The Fighting Temeraire' seemed to me all that was claimed for it, and at least one of his 'Venetian Sunsets' was splendor itself.

"We next visited the British Museum. Its wonders I will not attempt to describe; they are endless and bewildering. Its collection of autographs and letters of almost every distinguished man and woman who has figured in either English or Continental history for the last 500 years seems to be complete. The last letter poor Dickens wrote is there. Milton, Oliver Cromwell, the genuine signature of Shakspeare, the contract for the sale



of 'Paradise Lost,' Henry VIII.'s autograph, Queen Elizabeth's, Cranmer's, and multitudes of names that stand out in this world's history are there. In this museum are collected the Elgin marbles, friezes taken from the Parthenon at Athens, a splendid collection of Greek, Roman, and Egyptian sculpture, which it would require months to critically examine and thoroughly appreciate, but at which we could merely glance. The jewel-room contains a wonderful collection of all forms of art in bronze and other metals, and the famous Portland vase, of the beauty of which no engraving could give any adequate idea. The reading-room is said to be the finest room in the world. The library is simply huge. The wonders of this place are so vast that it is impossible for me even to attempt to describe them. The criticism to be passed is that it is comprehensive in its extent and in its variety.

"One day of sight-seeing was devoted to what is called the City, and this included St. Paul's Cathedral, the Bank of England, the Guildhall, the Mansion House, and the General Post-Office, all in their way magnificent structures.

"From no point, however, can St. Paul's Cathedral be seen to advantage. Its interior is described in the guide-books as cold, dark, and cheerless, but to me it appeared quite otherwise. Looking up the wonderful dome it seemed so airy, and springing, and light in its character, the whole interior so beautifully graceful in design and proportions, that I do not wonder that it is ranked second among the great cathedrals of the world. About the cathedral are distributed monuments of England's departed heroes. Here lies buried Oliver Goldsmith, and in a crypt below is the sarcophagus of Wellington, the enormous hearse in which were borne his remains. The wheels of this hearse were made from cannon captured by him in battle, and it is a massive structure in all, solid and impressive looking, like the military idol of the English people, the Iron Duke himself. Here, too, is the sarcophagus of Nelson, whose monuments, by the way, adorn many a square in London. Old banners bearing the marks of many battles, smeared with smoke and the dust of many years, all these are gathered in England's great cathedral.

"It seemed our duty to visit Windsor Castle, which we did, and upon reaching it we found we had formed altogether a wrong impression as to what Windsor Castle really was. It is not only a residence of royalty, but a huge fortress, portions of which run way back before the Conquest by the Normans. Great towers frown on high steepes surrounded by deep moats; the main tower, elevated on its rocky height, clothed with ivy, stands there in such grand repose and solidity and splendor as to fittingly represent the greatness and power of Old England. The various towers I shall not undertake to describe. Some of them run back more than 700 years ago, and, as I stood in the stone-paved gateway of one of these towers built before the Conquest, up among its ivy-clad battlements the birds were singing; around the old gates, which aforetime were closed against the invader, flowers were growing. Here were old walls which had seen the strifes of more than 500 years ago, silent and passed into history, clad with smiling

verdure and made vocal with the music of singing birds. Here for a portion of the year the Queen resides. She had left but a few days before our visit, and her private apartments were closed, but here was the old chapel, built many years ago, in which royal marriages have been solemnized. This chapel has been restored and decorated by the Queen, a memorial part of which is dedicated to the memory of the Prince Consort. This memorial chapel is surpassingly beautiful. Its walls are made of many-colored marbles exceedingly rich in design. At the end is a reclining statue of the Prince Consort, splendid in marbles and gilding, in painted glass and stained windows. This chapel furnishes another evidence of the Queen's loyal devotion to her wise and patriotic husband. There was in the character of the Prince Consort nothing we would call brilliant, but the position which he occupied was a most delicate one. The English people were most sensitive of any interference by him with their politics, and he conducted himself so wisely and becomingly, was such a considerate patron of arts and sciences, contributed so much to their cultivation and that of all worthy peaceful pursuits in England that his memory is held in affectionate regard by all Englishmen.

"The portion of the castle occupied by the Queen is cold and sombre in appearance, but it looks out upon the most beautiful landscape. In front of her windows is the 'Long Walk,' a splendid drive three miles in length, lined on either side by great elms, and which goes along straight to the splendid statue of George III. Driving down this long avenue, and reaching the end, we turned to the left, and passing through lovely wooded landscapes until we reached the point in these wonderfully extensive grounds so justly celebrated, known as Virginia Water. This is an artificial lake conceived by George the Fourth, and many miles in extent; the shores are most charming, about them are many villas, and these shores on holidays are thronged with thousands of visitors. We passed there on our return to Windsor. Our guide points out to us an old propped-up tree, as the famous Herne's oak. This is over 700 years old and is rapidly falling to decay. Herds of deer are in the park and wild flowers blossom on the roadway. Every turn in the road furnished fresh views of the wonderfully beautiful country about us, until we returned to the old town and the castle was again before us.

"But the real Mecca of the American in England we had not visited—Leamington, Warwick Castle, Stratford-on-Avon, Kenilworth, Coventry, and Guy's Cliff. Taking the morning train we reached beautiful Leamington a little after midday, stopping at the Manor House Hotel—unlike anything of the kind I have ever seen in America. A beautiful house far back from the road, surrounded by gravel walks, beds of flowers, and by a beautiful park many acres in extent, lakes and woodlands. This was the Manor House Hotel to which Mr. Gillig had been good enough to recommend me. We were met by the hostess, as all the visitors there are met, as if we were private guests—a smiling, pleasant-faced Englishwoman, and after a hearty luncheon, for which our ride had fitted us, we took an open carriage and started for our evening's tour—and such a tour! But a few min-

utes' drive from the Manor House we came to the River Avon, and stopping midway on the bridge which crosses it, directly in front of us rising on its rocky steeps was the famous Warwick Castle. We have all seen engravings of this wonderful building and ruin from every point of view, but no engraving does it justice, nor is it possible for an engraving to do it justice. Vast in its extent, beautiful in its architecture, old and moss-grown, and battlemented, it is as if the old feudal times, armored and helmeted, had stepped boldly out of history and stood before us. Reaching the castle we were shown through its rooms, wonderfully rich in art and historical treasures, with its armor worn by old Knights, its windows looking out upon the peaceful Avon, in which stand the remains of old bridges built by the Romans. Its towers clasped in the arms of huge cedars of Lebanon painted by the Crusaders, its frowning battlements covered with ivy and moss, here indeed was a fit place for the stout old Earl. Its treasures of buhl, tables of precious stones, and Limoges-ware, all the world is familiar with.

"One little plate was shown to us which was valued at \$20,000. Three small cabinets of this ware, containing not twenty pieces in all, were said to be worth at least \$150,000. The rooms were hung with pictures by Veronisi, Claude, Rubens, Teniers, Titian, Raphael, Canaletti, and Vandyck, and at the end of one of the passage ways made through these enormous walls of stone, nearly ten feet in thickness, hung one of the three famous original portraits of Charles I. on horseback, painted by Vandyck.

"The whole country about the castle is a garden. Leaving it because we could not do anything more, we proceeded towards Stratford-on-Avon, and reaching there drove direct through the town to Anne Hathaway's cottage; and there the cottage was, made sacred and so pathetic because the simple girl lived there whom Shakspeare for a short time loved. This humble little cottage is covered all over with vines and flowering shrubs. A delightful old lady has charge of it—said to be a descendant of poor Anne Hathaway. She showed us by the great fire-place the settle, as she called it, now so old and worn, upon which Shakspeare and Anne sat those long years ago. The room which Anne Hathaway occupied, the windows out of which she looked, the door through which Shakspeare entered when he called to see her, all these are there. It is so tender in all its suggestions, so gentle, so pathetic in the impressions which it leaves, that we asked the good old dame to give us a drink of water from the well from the garden where Anne Hathaway once plucked flowers, and to give us as souvenirs of our visit some flowers from the shrubs that were clinging to the walls of the old cottage. These we bore away with us and returned to Stratford; visited the old church where the great poet is buried, and thence to the house where he was born. The barbarian Smiths, Joneses, and Robinsons had in years gone by disfigured the walls by scribbling their names upon them, but there the old house stands, and there was the room in which Shakspeare was born. Two old maiden ladies, apparently thoroughly posted in Shakspearean literature, were there as custodians of this sacred spot. The room in which Shakspeare was

born is not much of a room to look at. The old beams are there still, the old walls are there, and the old stone floor is there. It is not, as I have said, much of a room to look at, but I defy any one to remain there long without being greatly impressed by the sacredness of the spot in which he is. Connected with the house is a museum, and among its curiosities are some features at last betraying something human. They showed us the picture of the place where Shakspeare got drunk—as a natural sequence they showed us the picture of the apple-tree under which he fell asleep and slept off his debauch, and to complete the sequence they then showed a piece of the tree itself. This was so natural, so human, that it seemed as if I knew Shakspeare better than ever I had known him before. In the house is the famous portrait recently discovered and bearing unmistakable marks of genuineness. The costume is the same as that of his bust over his grave in the church; the features were the same, and the gentleman in charge, who had none of the garrulity of the guide about him, but appeared to be a thorough Shakspearean scholar, said that although the genuineness of this portrait as a contemporaneous portrait of Shakspeare cannot be established, yet the evidence in its favor is so strong as to satisfy even the most doubting mind. This portrait is, to my mind, nearer like the Chandos than any other I have seen. It is the portrait of the Shakspeare whom we have all carried in our mind's eye, inspired, but human, the portrait of just such a man as all lovers of Shakspeare believe their Shakspeare to have been."

Later, he wrote from Paris, under date of September 18:

"Having seen nearly all that I shall see, and intending to devote the time that remains of my absence from home to a leisurely contemplation of what I have already seen, the time seems to have arrived for the fulfillment of a promise made in my former letter to *The Tribune*, to narrate my experiences and the impressions which I have received from my visit to the Continent.

"It suits my purpose to pursue in this narrative what I may appropriately call the chronological method; and, pursuing that method, I have to say that nothing has occurred since my former letter to change my opinion of England, its cities, its scenery, and its men so far as I had the pleasure of meeting them. My admiration of all these has rather increased by what I have since seen; and in no country which I have visited have I found a healthier manhood and more genial courtesy to strangers, a kindlier or more intelligent appreciation of our country, its institutions, and its people, than in Great Britain.

"Immediately after writing *The Tribune*, I made a flying visit to Scotland. One great regret accompanies that tour, and will always in my mind mark it. It was all too brief, and I had but glimpses where I desired extended views. I saw enough of Scotland, however, its scenery, its people, its beautiful City of Edinburgh, and many of its famed historic places, to strengthen the admiration which in some way or other had become deeply fixed in my mind of old Scotland.



"The ride from London to Edinburgh is for Great Britain a long one. It is about twelve hours; but so favorably were we situated with reference to our railway accommodations over the Great Northern route, and so varied and so beautiful was the scenery through which we passed, that the time seemed brief enough. Reaching Edinburgh quite late, although not too late in those northern latitudes to see the crags which seem to environ that picturesque city, we drove immediately to our hotel—the Windsor—where exceedingly pleasant apartments had been reserved for us, fronting upon Prince's street, with the old historic castle, planted upon its craggy and rocky front, directly before us. When the morning came and we saw clearly in the broad daylight that famed and beautiful city we did not wonder that for picturesque beauty it had attracted the admiration of all the world. Edinburgh would be beautiful even without the splendid halo of history, poetry, tragedy, and romance which surrounds it. Crowning rocky steepes, the old city sits enthroned—every foot of its soil, and every crag and peak, made famous in story and in song.

"We first visited Holyrood Palace. It is a quaint, intensely interesting, and curious old fortress. Portions of it run back hundreds of years; and many of its gateways, arches, and windows are most curious and interesting, as exhibiting architectural features now very rare, even in old England or Scotland. Here Queen Mary lived; here for a time was her home; here were plots and counterplots; here were dark and foul conspiracies hatched; here was unlicensed love-making; and here bloody assassinations. We saw Mary's rooms—her dressing-room, sleeping-room, her so-called state-apartments, her reception-room, and the cramped, wretched little supper-room, so called, from which Rizzio was dragged to meet his death. The guide pointed out to us the stony, narrow, winding secret stairway up which Darnley and his associate conspirators passed, and found the wretched Italian, the worthless tramp, upon whom the much-lamented Queen had bestowed her affections, or rather her rapid, transient passion, supping with the Queen of Scots. The wretched little room is hardly large enough for two—it is not large enough to accommodate a supper for an able-bodied man—and, suddenly putting the arras aside, the conspirators seized this poor creature, to save whom the Queen at once interposed, but vainly, to whose skirts the wretch clutched to save himself; but, dragged by these strong and cruel men into the adjoining sleeping-room, grasping the bedstead he was stabbed again and again. Dragged through that room into a still larger one, he was left just at the head of another stone stairway, and there bled to death. We were shown a great, sombre, dark spot on the floor, which they told us was made by the blood pouring from Rizzio's wounds as he lay there dying. It may be so. But again and again we passed over the route that he was dragged, and, if concerning those old times there is any truth in the details of history, it is that in that spot this fearful tragedy was enacted.

"There is but little that is attractive in Holyrood as a residence. Its general appearance is gloomy, grizzly, and forbidding. In these days no well-regulated woman of my acquaintance would consent to be a Queen on



such terms as the occupancy of Holyrood Palace. We of course saw the old court-yard, and the large hall in which are hung the large portraits of Scottish Kings—poor portraits, but no poorer than the Kings. The record is a dreadful one of assassinations, deaths by violence, by poison; it makes a fearfully gloomy history. And all those cloud-aspiring crags and peaks, looking so solemnly down upon you—beautiful, but bare and savage in their beauty—carry within their rocky bosoms the stories of tragedies which make early Scottish history almost an unbroken record of violence and bloodshed.

“Connected with Holyrood Palace, and almost forming a part of it, is the old, decayed, ruined chapel so widely \*renowned for its beauty. Even what is left of it shows the beauty of its proportions, the delicate traceries of its stonework and carvings; and its arch, its leading feature, is one of the most beautiful in all Europe.

“There is no portion of the old town which is not worth while to visit and see. Through choked, narrow passage-ways, called streets, we drove; saw the house where John Knox lived, and the church where he preached; saw the wretched rooms in which Burns lodged, and the house where Allan Ramsey lived; visited the Parliament House, plain and quite unpretending in its style; saw the stone which marks the exact spot of the Heart of Mid-Lothian; visited the sacred old cemetery, where the bones of the resolute, high-hearted, and God-fearing old Covenanters who suffered death in those savage old times for opinion's sake, are entombed. We drove all about that splendid drive called Queen's Drive, escorted on our way by a driver who had evidently missed his vocation—whom Nature had designed for an orator, but whom the hard lines of fate had made a garrulous, cock-eyed, and canny hack-driver. I call him canny.

“He was driving us by the hour, and at three shillings per hour, and under those conditions speed was impossible; and, as we reached any interesting point, our lecturing jehu would descend from his box, and, holding the lines in one hand, would extend the other after the approved fashion of the Columbian orator, and discourse at length upon Arthur's Seat, Scottish nobility, the general loveliness of the valley at our feet; and in every instance mixed up with a discourse on John Knox.

“The dirtiest street I have ever seen is Cowgate. For its broad and comprehensive filth, its infinite variety of nastiness, it stands peerless among all the streets of all the cities of the world. But the days of Cowgate are numbered; the old narrow passage dignified by the name of street is about closed, and ere long it will be but a ‘putrid reminiscence.’

“One is constantly surprised, visiting the old town, at the enormous height of its buildings. We saw them eleven and twelve stories high. The blocks are pierced with curious entrances called ‘closes,’ where apparently the refuse of each block is gathered, from which emerge bare-footed, red-headed, and dirty children, destined, if we may judge from the Scottish character of the past, to flower out ultimately into learned professors, well clad, well fed, and graciously sweet-mannered. In the times past, Scotland has been the land of oats, itch, sulphur, scenery, and scholars: it has

dropped its oats, itch, and sulphur, and in all Europe no more delightful people—men and women—can be found than in Auld Reekie, the picturesque and beautiful capital. There is such an abundance of tough fibre in the Scotch character that it takes the polish of culture superbly. It is, and always has been, a dead-earnest character—tremendously firm in its opinions—willing to fight for them, and to die for them.

“Everyone who visits Edinburgh visits the old castle—the home of old Scottish Kings. It is a powerful looking fortress, intrenched and anchored on rocks almost precipitous on three of its sides, and looking formidable enough. Here are other of Queen Mary’s apartments, and very few pictures possessing some interest and some merit. Here is a beautiful little chapel—very, very old—exquisite in its architecture, recently restored, and to which the British Queen has contributed a beautiful painted window.

“We saw the window, a way up hundreds of feet above the valley beneath, from which the miserable creature, King James, when a mere babe, was let down in a basket, and to the great injury of mankind his descent was safe. In one of these rooms he was born, and it was deemed judicious that he should be quietly and most secretly transferred to other quarters, and at the end of a long rope a basket was tied, in this basket the babe was placed, and from that window he was let carefully down to careful hands receiving him hundreds of feet below.”

In this breezey style Mr. Storrs continued his newspaper narratives over his journeyings on the continent and the entire story would make a most readable account, did space allow it to be fully given. On his return home he was enthusiastically welcomed by his many friends, and soon after he plunged into his usual busy round of work.

## CHAPTER XLV.

### THE CONCLUSION.

SOME CHARACTERISTICS OF MR. STORRS' WIT—ILLUSTRATIONS OF REPARTEE—HIS STYLE OF ORATORY—CONTRASTED WITH BURKE—A DRAMATIC INCIDENT—LAST SCENES AND DEATH AT OTTAWA—THE END OF ALL MORTAL.

UNPULSATING ink cannot adequately give expression to the humor of Mr. Storrs' sayings. The piquancy of the occasion, the peculiar glow of the heated brain, the laugh of the eye, the rise and fall of the voice—untranslatable, unrepeatable, never-to-be-well-understood save to the actual listening, watching enjoyer, are needed. Running, too, as it does through all his utterances, whether in the political or in the forensic efforts from which selections have hereinbefore been made, it cannot be necessary, in conclusion, to attempt to preserve many of the bright, original sayings of the man whose death rid the bar and the world at large of much sunshine. There was, however, something majestically splendid in his overflow of humor. It mattered not, whether ill or hale, whether at the social board or in the presence of the supreme bench, the fire would flash. A gentleman who slept in the same room with him, in the crowded hotel at Ottawa, the night before the death of Mr. Storrs, relates how in the night between paroxysms of anguish, the great lawyer would make remarks or hurry off some funny story which convulsed the listener even though tears stood in his eyes on account of the lawyer-humorist's recent agonies. "Storrs' say," became a national mot, and the mention of his name, months after his death, was but to call up story after story.

It will be a long time before his well-known description of Ex-President Hayes, whom he never liked, will be forgotten.

"There stood R. B. Hayes," he said while talking about Garfield's funeral, "clad in a long, linen duster, with a straw hat on the back of his head, holding in his right hand a yellow, worsted bag with the letters 'R. B. H.,' worked in purple by Lucy; and no one spoke to him except a policeman and he told him to keep off the grass." At another time, he said in public, "Hayes went into office chuck full of the milk of human kindness, anxious for an opportunity to shake hands with somebody who had attempted the destruction of the Union." In the memorable Rose-Douglas case, at Ann Arbor, in the midst of a powerful argument as to whether or not a jury should be empaneled, Mr. Storrs was interrupted by an opposing counsel's remark: "How would it do to try it in Freedom Township, the town of six nations over by Manchester, where the Germans are all Democrats?" "German Democrats," said Storrs, "a jury of that description wouldn't know whether the Saviour was crucified on Calvary or shot at Bunker Hill." In a similar vein was his excoriation of a witness who had evidently perjured himself on the stand. "Why, gentlemen of the jury," exclaimed Mr. Storrs, "this man with a soul, compressed to the size of an internal wart, reminds me of what a great Kentuckian said of a similar being, who was advised to repent hard for many years in order that Omnipotence might get jurisdiction to damn him." A young man once approached him with, "Mr. Storrs, pardon me, but you are a man who has thought much upon all topics. I wish to ask you for your opinion of Heaven and Hell." Fixing his keen eyes on the enquirer, Mr. Storrs answered "When I think of the beauteous descriptions of the abode of the saints, and when I recollect that many noble, witty, genial souls have died 'unregenerate,' I must answer you, sir, that, while, doubtless, Heaven has the best climate, Hell has the best society."

The incident of a sheriff arranging to levy upon the dinner which Mr. Storrs was about to give Lord Coleridge during the latter's visit to this country is well known. To a friend who bantered him about it, he made the reply that he had the honor of giving the first Lord's supper the world ever saw which was attended by a representative of government. Apropos to this Coleridge story is the one that while Storrs was in London, he was dined by Lord Coleridge. Among the after-

dinner speakers was one gentleman who, while frankly confessing his admiration for the remarkable growth of the interior city of the States, at the same time expressed regret to learn that the city from which the guest of the evening hailed was one where commercial honor was at so low an ebb that hundreds of merchants failed in the course of a year, always with large liabilities and small assets, and, that after the storm had passed, these same merchants would reappear in the mart richer than before and with head as high as ever. This was an aspersion upon his home city that Mr. Storrs would not permit to go unanswered. "I assure you, gentleman," said he a few minutes later, "the gentleman has been misinformed. I am glad to be able to correct his error, and how shamefully he has been imposed upon by his informants will appear when I declare to you that during the twenty years I have lived in Chicago not one business failure has occurred there involving a sum exceeding fifteen thousand dollars. Not one, sir, in twenty years! Failures in Chicago? Why, gentlemen, our glorious young giant of the West has but one language—that of grand old Mother England—and the word 'fail' never found a place in its lexicon." The Englishmen, both astonished and delighted, cried "Hear, hear!" It was a remarkable showing, and none knew enough about the distant city to refute the statement.

Later in the evening, however, an inquisitive Englishman cornered Mr. Storrs and inquired: "Wasn't that statement of yours about there being no important failures in Chicago for twenty years slightly exaggerated, Mr. Storrs?" "Exaggerated! Not in the least, sir. Not a particle, sir. It was simply a magnificent lie!" Once in court, Mr. Storrs made an objection to the testimony of a witness, whereupon the opposing counsel remarked, "It hurts you to meet the truth." "Oh, no," was Mr. Storrs' quick rejoinder. "I never meet the truth—it and I always travel in the same direction," Similar in kind was his remark to a friend who, when in the witness chair, declined to make a statement just as he was evidently wished. "I should like to favor you, Mr. Storrs," said the witness, "but I have even more regard for the truth than for you." "Oh, very well," came the reply, "but a man at your age ought not to desert old friends and take up with strangers." Of a well-known lawyer who possessed



a propensity for talking for publication and who was always hunting around for interviews, Mr. Storrs observed, "He reminds me of a jackass we had on the farm down East. He used to come around to the empty rain barrel, stick his head in it and bray, and from the mighty roar that followed he thought he was talking to the universe." A characteristic anecdote is told as to how one day at Saratoga, sitting in a group of millionaires he was chaffed by them about his lack of prudence in money matters. Suddenly turning upon his tormentors, he hurled: "You rich fellows appear to think that money-making is an intellectual process, and that the wealth acquired by you proves you are a very superior kind of men. You are much mistaken. Acquisitiveness is not intellectual. It is merely an animal trait. It is less highly developed in you gentlemen than it is in the chipmunk. The beaver is much your superior in this regard. Where are the rich men in history? There are two only who live in the legends of literature—Dives, who survives on account of his fortunate connections with a pauper, and Cræsus, because his name has been used by poets merely as a synonym. Gentlemen, where are the stock-holders who built the Parthenon? Doubtless they sat around in Athens and spoke of the fine work that Phidias was doing for them; but, gentlemen, where are the stock-holders today and where is Phidias?" On another occasion, his recklessness with money being reverted to, he retorted. "Money! if I should try to save it I should become its slave. Now, it is my weapon. When I fling it at people they become slaves of mine." "Oh, yes," he once said of an eminent and rich Chicago man, "He's a nice man, a very nice man. I never observed but one thing objectionable in him and that is that he is insufferable."

Of a man who talked much but said little, he said "He is a fellow reminding me of a suddenness, such as if you opened what looked like the parlor door and found all back-yard." One day, General Martin Beem had Mr. Storrs in court to testify in an assessment of damages for the dissolution of an injunction, and when the opposite counsel asked him if his professional charges were not usually very high, he responded in an assumed solemnity of voice which amused even the court, "I do not propose that the inadequacy of my charges shall ever be a disgrace to my profession." Ever ready with a happy retort,

ever ready with an original anecdote, and, at the same time, ever ready with some bit of wisdom, there was ground for Jane Grey Swisshelm writing, "Emery A. Storrs calls up the idea of a Damascus blade. Small, compact, alert, keen, incisive; with a head like a box of pigeon-holes, every one full, and none crowded; everything in its appointed place, labeled, indexed, docketed, and ready for use on the instant. What he knows, he knows just when he needs it; and is not troubled with after wit or any loose lumber. He would be an expert wrestler who would trip Storrs with quirks and quiddities, or unlooked for tactics of any kind."

His wit, sparkling under the slightest provocation in social life; his sense of the ridiculous, liable to emit epigrams under all circumstances; his frank derision of sham men and tinsel appearances breaking into raillery and jest, might have led those who did not know him as a lawyer into the belief that he lacked gravity of spirit and might want thoroughness in the handling of solemn trusts. Nothing could be further from the truth. He showed to least advantage in the playful light of his trifling moods. His real temper was profoundly earnest. As was well known to a veteran bench and to his most formidable opponents at the bar, his intellectual method in the analysis and presentation of cases was relentlessly thorough. It has been said of Edmund Burke by an eminent living writer that to the easy mastery of facts, he added the far rarer art of lighting them up by broad principles. This was true of Mr. Storrs. His success was not due to fascinating devices, blinding eloquence, nor to chance or fortuitous advantages. He won by the thoroughness with which he mastered facts and by the surpassing skill with which he applied great principles to them. Burke, in a stilted style, addressed his appeals to men walled in by self-interest and hereditary prejudice; the great advocate became the admiration of the world and of posterity, but measurably failed to convince his age or persuade his country. Storrs, following the same mode, by the instinct of genius as well as by the instruction of logic, had the more restricted, but not less responsible function of addressing courts constituted on equity and juries bound to do simple justice. He adapted his style with unerring instinct to its purpose.

To demonstrate the soundness of his legal proposition, to establish the moral correctness of a client's conduct, was his sole aim. His diction, therefore, was simple, clear and direct. Ornament, in political speaking, he did not despise and the graces of imagination he was wont, on appropriate themes, to employ for their embellishment, but as an advocate before new dealing with facts and law, he adhered to the simplest and plainest speech, aiming always to secure not only the approval of accomplished jurists, but to enlighten and convince the reason of every man. Although physically weak, he had so cultivated a naturally pleasing organ that his voice was as distinct in a small chamber as it was far carrying in vast halls. He was totally devoid of theatricalism in elocution, gesture and personal bearing, but would sometimes resort to dramatic effects when they were calculated to make an important matter clearer to a jury. For instance, in the Sullivan case, he suddenly required the powerful McMullen to seize, pinion and choke him before the jury, precisely as he had seized, pinioned and choked Sullivan into helplessness for Hanford. Again he objected to the reading of a single passage of Hanford's letter by the counsel who made the closing speech for the prosecution and insisted upon stating exactly what was objectionable in the letter. His adversary impatiently said: "Very well, read the whole letter if you like." "Thank you, I will," said Mr. Storrs. After the closing speech was made, Mr. Storrs arose in his most bland manner and proceeded to read the whole letter to the jury. All three of counsel for state were on their feet objecting, but as one of them had consented that Mr. Storrs might read it, he was allowed to do so. That consent was probably given to prevent Mr. Storrs from interrupting and correcting counsel, but it was not supposed he would read it after the closing speech! He did read it, and often afterwards said, the reading of that anonymous letter was the very best speech for the defence that could possibly be made to the jury before that body retired for deliberation.

"Let me burn out; not rust out," he was often heard saying. The prayer was granted. The city of Ottawa, where sat the Supreme Court of Illinois, before which Mr. Storrs had been arguing "the legality of trial by information," was stirred into excitement Saturday morning, September 12, 1885, by the announcement that the Mr. Storrs was dead. He had complained

for several days of pleuratic pains in his left side, but as he continued in his professional engagements, no one had regarded him as seriously ill. He himself seemed to feel forebodings of death. Two days before, he had said casually, in the midst of an argument, that it was probably the last time he should appear in such a place, and the Friday, preceding the night of his death, he said, "My heart pains me sadly—I am going to send for my wife," and it was in response to his telegram that Mrs. Storrs left Chicago for Ottawa and was with him when he quietly, in an unexpected paroxysm of the heart, entered into the Unknown. It is no exaggeration to say that the news of his death produced sadness throughout the English-speaking world. Wherever wit and oratory stretch out the sword of flame, wherever the platform and the press find their vast audiences, there flashed the intelligence "Emery A. Storrs, of Chicago, is dead." Among his home friends, in the metropolis which he had, in his love and admiration, so often termed "the city of my soul," throughout the breadth of the land which he had so often delighted, the fact that his life's work was ended seemed impossible. Said Professor David Swing, at the Unity Church, Chicago, four days later when a great and mourning audience was solemnizing the last sad rites, "Emery A. Storrs was a man of such intellectual life that we could never associate his name with death. We who have known him for a score of years have known him only as speaking, acting, moving other minds by wit and logic. When we remember the almost unequalled power of expression and the boldness Mr. Storrs possessed, we may regret that he could not have seen his death a few days or hours in advance, for we should have had from him his best summing up of the arguments of religion. He would have presented to wife and friends the evidence of immortal life."

He needs no eulogy. The social circle, the attentive jury, the respectful court, the waiting audience, the admiring press, miss him. The flowers of Graceland bloom and fade over that epitome of all mortal, engraven upon the plate of the sombre casket:

"EMERY A. STORRS;

Born Aug. 12, 1835;

Died Sept. 12, 1885."

The Executive Committee  
of the  
Citizens' League of Chicago

have heard with profound sorrow of the sudden  
death of the Hon.

Emery A. Storrs,  
Special Counsel for the League,

and desire to express their deep sense of the loss they have sustained. In his death they mourn the loss of a staunch friend, a wise and vigilant counsellor, and a bold and uncompromising enemy of the unrestricted liquor traffic. In the early history of the League, when it had few friends, and when it cost something to be its advocate, Mr. Storrs was found side by side with H. F. Ethendorf and Andrew Patton in urging its claims to popular support. He was chosen by the League as its first special counsel, and while his services were given gratuitously, his eminence as a lawyer rendered them invaluable. His eloquent voice and his brilliant pen were always freely given to the League without



money and without price. On the platform no question engrossed his thoughts so much as the cause of the Citizens' League, his devotion to it amounting to enthusiasm. He was accustomed to say that "no agency in the city is doing so much to reduce taxes and reform public opinion as the Citizens' League." The proceeds of a single lecture given by him in Central Music Hall about four years ago on behalf of the League netted over \$1500. His eloquent memorial on the death of H. H. Elmendorf is still fresh in the memory of us all. It was his good fortune to see his efforts on behalf of the League crowned with success, and the League become well established in the city, to whose welfare he devoted the best years of his manhood.

In Testimony whereof, we the members of the Executive Committee, who were associated with him in the work, desiring to record his unselfish devotion and invaluable services,

Resolve, That this Memorial be spread upon the Journal, and a copy be transmitted to the widow of the deceased, with our unfeigned sympathy in her affliction.

*F. P. Fisher,*

Recording Secretary.

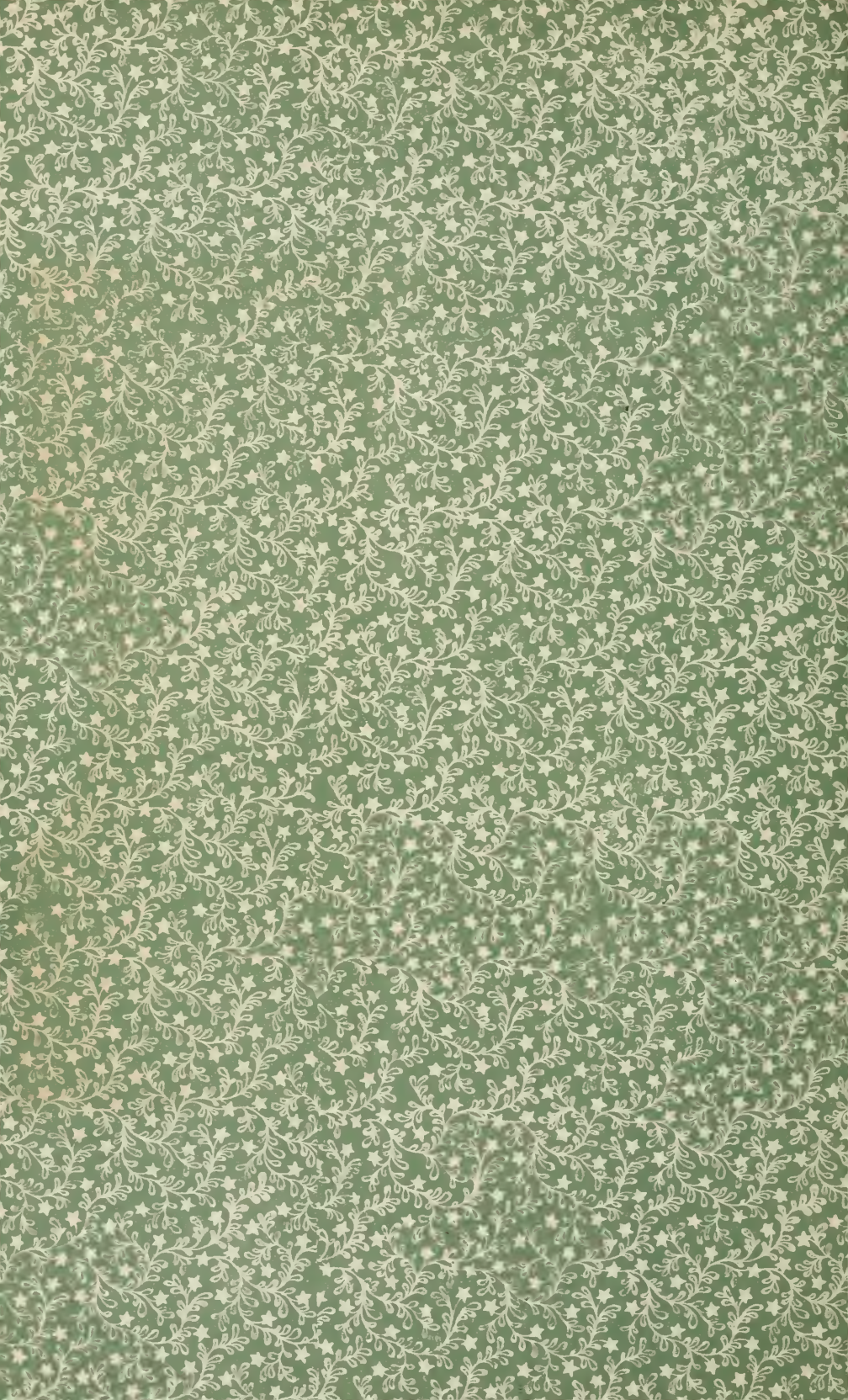
*J. P. Rumsey,*

President.











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